

UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT
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Kenneth A. Hansen, Director
Nancy L. Lancaster, Editor

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Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

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TABLE OF CONTENTS

1. EDITOR'S NOTES

Notice of Publication Error in the November 15, 2000, Issue of the <i>Utah State Bulletin</i>	1
Delay of Publication of the Amendment to R746-340	1

2. SPECIAL NOTICES

Department of Commerce, Division of Occupational and Professional Licensing: Public Notice - 2001 Board/Committee Meeting Schedule	2
Department of Community and Economic Development, Community Development, Library: Public Notice of Available Utah State Publications	7

3. NOTICES OF PROPOSED RULES

Agriculture and Food

Animal Industry

No. 23306 (Amendment): R58-10. Meat and Poultry Inspection	9
--	---

Commerce

Occupational and Professional Licensing

No. 23295 (Amendment): R156-1-308d. Denial of Renewal of Licensure - Classification of Proceedings - Conditional Renewal During Pendency of Adjudicative Proceedings, Audit or Investigation	9
--	---

No. 23296 (Amendment): R156-26a. Certified Public Accountant Licensing Act Rules	11
--	----

No. 23309 (Amendment): R156-28. Veterinary Practice Act Rules	15
---	----

Real Estate

No. 23321 (Amendment): R162-102. Application Procedures	17
---	----

Corrections

Administration

No. 23313 (Amendment): R251-102. Release of Communicable Disease Information	18
--	----

Environmental Quality

Radiation Control

No. 23312 (Amendment): R313-19. Requirements of General Applicability to Licensing of Radioactive Material	19
---	----

Health

Epidemiology and Laboratory Services; HIV/AIDS, TB Control/Refugee Health

No. 23303 (Amendment): R388-804. Special Measures for the Control of Tuberculosis	29
---	----

Health Systems Improvement, Health Facility Licensure

No. 23292 (New): R432-106. Specialty Hospital - Critical Access	31
---	----

TABLE OF CONTENTS

Human Services

- Administration, Administrative Services, Licensing
 - No. 23322 (Amendment): R501-8. VII. Section C: Categorical: Standards 33
 - No. 23323 (Amendment): R501-17. Adult Foster Care Standards 39

Labor Commission

- Safety
 - No. 23310 (Amendment): R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels 42

Natural Resources

- Oil, Gas and Mining; Oil and Gas
 - No. 23304 (New): R649-4. Determination of Well Categories Under the Natural Gas Policy Act of 1978 43

Public Safety

- Law Enforcement and Technical Services, Regulatory Licensing
 - No. 23308 (Amendment): R724-4. Concealed Firearm Permit Rule 45

Public Service Commission

- Administration
 - No. 23328 (Amendment): R746-340. Substantive Rules Governing Telecommunications Utilities 49

Tax Commission

- Property Tax
 - No. 23316 (Amendment): R884-24P-65. Proportional Assessment of Transitory Personal Pursuant to Utah Code Ann. Section 59-2-402 54

Transportation

- Program Development
 - No. 23311 (Amendment): R926-6. Transportation Corridor Preservation Revolving Loan Fund 55

4. NOTICES OF CHANGES IN PROPOSED RULES

Environmental Quality

- Solid and Hazardous Waste
 - No. 22858 (Second): R315-315-8. Petroleum Contaminated Soils 58

Human Services

- Administration, Administrative Services, Licensing
 - No. 23121: R501-7. Child Placing Agencies 59

Insurance

- Administration
 - No. 22923 (Second): R590-200. Diabetes Treatment and Management 60

5. FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Agriculture and Food

Animal Industry

No. 23305: R58-10. Meat and Poultry Inspection 63

Marketing and Conservation

No. 23307: R65-10. Agriculture Resource Development Loans (ARDL) 63

Human Services

Aging and Adult Services

No. 23325: R510-401. Caregiver Respite Services for Caregivers or Care Receivers
60 Years of Age and Over 64

Child and Family Services

No. 23314: R512-70. Composition and Operation of the Consumer Hearing Panel, and the
Requirements for Filing a Complaint with the Panel 64

No. 23315: R512-75. Rules Governing Adjudication of Consumer Complaints 65

Money Management Council

Administration

No. 23301: R628-13. Collateralization of Public Funds 65

No. 23299: R628-16. Certification as a Dealer 66

Public Safety

Highway Patrol

No. 23294: R714-500. Chemical Analysis Standards and Training 66

Law Enforcement and technical Services, Regulatory Licensing

No. 23293: R724-9. Licensing of Private Investigators 67

Public Service Commission

Administration

No. 23326: R746-341. Lifeline Rule 67

No. 23327: R746-407. Annualization of Test-Year Data 68

6. NOTICES OF RULE EFFECTIVE DATES 69

7. RULES INDEX 71

EDITOR'S NOTES

NOTICE OF PUBLICATION ERROR IN THE NOVEMBER 15, 2000, ISSUE OF THE *UTAH STATE BULLETIN*

In the November 15, 2000, issue of the *Utah State Bulletin* (2000-22, page 84), the DAR No. was incorrectly listed for the effective notice for R865-20T-11 from Tax Commission, Auditing. The number published was 13130. The correct DAR No. for the effective notice for the proposed amendment to R865-20T-11 is 23130. The effective date was November 1, 2000.

Questions regarding this error to the *Utah State Bulletin* may be directed to: Nancy L. Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3218; FAX: (801) 538-1773; or E-mail: nlancast@das.state.ut.us.

DELAY OF PUBLICATION OF THE AMENDMENT TO R746-340

Due to a clerical error at the Division of Administrative Rules, the amendment to R746-340, Substantive Rules Governing Telecommunications Utilities, was not published in the November 15, 2000, issue of the *Utah State Bulletin*. The amendment is published in this *Bulletin* under DAR No. 23328, and corresponds with the emergency rule filing that was published in the October 15, 2000, *Bulletin* under DAR No. 23188. The emergency rule is effective as of October 2, 2000.

Questions regarding this omission may be directed to: Nancy L. Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3218; FAX: (801) 538-1773; or E-mail: nlancast@das.state.ut.us.

End of the Editor's Notes Section

SPECIAL NOTICES

DEPARTMENT OF COMMERCE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

PUBLIC NOTICE 2001 BOARD/COMMITTEE MEETING SCHEDULE

NOTE: Meetings are subject to change - contact the Division at (801) 530-6628 to confirm meetings. Most meetings are held in the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.

January

4	Security Services Licensing Board	9:00 a.m.
9	Osteopathic Physician Board	9:00 a.m.
9	UBCC Plumbing Advisory Committee	9:00 a.m.
9	UBCC Fire Marshal/Fire Protection Task Force	1:00 p.m.
10	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
10	Physicians Licensing Board	9:00 a.m.
10	Hearing Instrument Specialist Board	9:00 a.m.
10	Professional Counselor Board	10:00 a.m.
10	UBCC Architectural Advisory Committee	1:30 p.m.
11	UBCC Structural Advisory Committee	12:00 noon
12	Plumbers Licensing Board	8:30 a.m.
16	Professional Engineer/Professional Land Surveyor Board	9:00 a.m.
16	Building Inspector Licensing Board	11:00 a.m.
16	UBCC Building Codes Education Committee	1:00 p.m.
17	Controlled Substance Precursor Board	2:00 p.m.
18	Physician Assistant Board	8:00 a.m.
18	Electricians Licensing Board	9:00 a.m.
19	Dentists/Dental Hygienists Board	8:00 a.m.
19	Uniform Building Code Commission	9:00 a.m.
22	Psychologist Board	9:00 a.m.
23	Pharmacy Board	9:00 a.m.
23	Dietitian Board	9:00 a.m.
23	UBCC Fire Protection Advisory Committee	10:00 a.m.
24	UBCC Mechanical Advisory Committee	9:00 a.m.
24	Utah Board of Accountancy	1:00 p.m.
26	Nursing Board	8:00 a.m.
31	Contractors Licensing Board	8:00 a.m.

February

8	Social Worker Licensing Board	8:00 a.m.
8	UBCC Structural Advisory Committee	12:00 noon
9	Plumbers Licensing Board	8:30 a.m.
13	Environmental Health Scientist Board	9:00 a.m.
13	Massage Therapy Board	9:00 a.m.
13	UBCC Plumbing Advisory Committee	9:00 a.m.
13	UBCC Fire Marshal/Fire Protection Task Force	1:00 p.m.
14	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
14	Physicians Licensing Board	9:00 a.m.
14	Professional Counselor Board	10:00 a.m.
14	UBCC Architectural Advisory Committee	1:30 p.m.
15	Physician Assistant Board	8:00 a.m.
15	Electricians Licensing Board	9:00 a.m.
16	Dentists/Dental Hygienists Board	8:00 a.m.
16	Uniform Building Code Commission	9:00 a.m.
20	UBCC Building Codes Education Committee	1:00 p.m.
22	Funeral Service and Preneed Boards	9:00 a.m.
22	Deception Detection Examiners Board	9:00 a.m.
23	Nursing Board	8:00 a.m.

23	Architect Board	9:00 a.m.
23	Architect IDP Committee	9:00 a.m.
23	Marriage and Family Therapy Board	9:00 a.m.
27	Pharmacy Board	9:00 a.m.
27	UBCC Fire Protection Advisory Committee	10:00 a.m.
28	Alarm System Security and Licensing Board	9:00 a.m.
28	UBCC Mechanical Advisory Committee	9:00 a.m.
28	Utah Board of Accountancy	1:00 p.m.

March

1	Veterinary Board	9:00 a.m.
1	Security Services Licensing Board	9:00 a.m.
5	Cosmetology/Barber Board	9:00 a.m.
6	Landscape Architect Board	9:00 a.m.
8	Chiropractic Physician Board	9:00 a.m.
8	UBCC Structural Advisory Committee	12:00 noon
9	Plumbers Licensing Board	8:30 a.m.
13	Controlled Substance Database Advisory Committee	9:00 a.m.
13	UBCC Plumbing Advisory Committee	9:00 a.m.
13	UBCC Fire Marshal/Fire Protection Task Force	1:00 p.m.
14	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
14	Physicians Licensing Board	9:00 a.m.
14	Health Care Assistant Registration Board	9:00 a.m.
14	Professional Counselor Board	10:00 a.m.
14	UBCC Architectural Advisory Committee	1:30 p.m.
15	Alternative Dispute Resolution Prov. Board	9:00 a.m.
15	Physician Assistant Board	8:00 a.m.
15	Electricians Licensing Board	9:00 a.m.
16	Dentists/Dental Hygienists Board	8:00 a.m.
16	Uniform Building Code Commission	9:00 a.m.
20	Professional Engineer/Professional Land Surveyor Board	9:00 a.m.
20	UBCC Building Codes Education Committee	1:00 p.m.
21	Utah Boxing Commission	9:00 a.m.
27	Pharmacy Board	9:00 a.m.
27	UBCC Fire Protection Advisory Committee	10:00 a.m.
28	UBCC Mechanical Advisory Committee	9:00 a.m.
28	Utah Board of Accountancy	1:00 p.m.
30	Nursing Board	8:00 a.m.

April

9	Psychologist Board	9:00 a.m.
10	Occupational Therapy Board	9:00 a.m.
10	UBCC Fire Marshal/Fire Protection Task Force	1:00 p.m.
11	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
11	Hearing Instrument Specialist Licensing Board	9:00 a.m.
11	Physicians Licensing Board	9:00 a.m.
11	Professional Counselor Board	10:00 a.m.
11	UBCC Architectural Advisory Committee	1:30 p.m.
12	Certified Shorthand Reporters Board	9:00 a.m.
12	UBCC Structural Advisory Committee	12:00 noon
13	Plumbers Licensing Board	8:30 a.m.
17	UBCC Building Codes Education Committee	1:00 p.m.
18	UBCC Electrical Advisory Committee	9:00 a.m.
19	Physician Assistant Board	8:00 a.m.
19	Electricians Licensing Board	9:00 a.m.
20	Dentists/Dental Hygienists Board	8:00 a.m.
20	Architect Board	9:00 a.m.
20	Architect IDP Committee	9:00 a.m.
20	Uniform Building Code Commission	9:00 a.m.
24	Health Facility Administrators Board	9:00 a.m.
24	Pharmacy Board	9:00 a.m.

SPECIAL NOTICES

24	UBCC Fire Protection Advisory Committee	10:00 a.m.
25	Contractors Licensing Board	8:00 a.m.
25	UBCC Mechanical Advisory Committee	9:00 a.m.
25	Utah Board of Accountancy	1:00 p.m.
25	Controlled Substance Precursor Board	2:00 p.m.
27	Nursing Board	8:00 a.m.

May

3	Security Services Licensing Board	9:00 a.m.
8	Massage Therapy Board	9:00 a.m.
8	UBCC Fire Marshal/Fire Protection Task Force	1:00 p.m.
9	Optometry Board	9:00 a.m.
9	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
9	Physicians Licensing Board	9:00 a.m.
9	Professional Counselor Board	10:00 a.m.
9	UBCC Architectural Advisory Committee	1:30 p.m.
10	Social Worker Licensing Board	8:00 a.m.
10	UBCC Structural Advisory Committee	12:00 noon
11	Plumbers Licensing Board	8:30 a.m.
15	Professional Engineer/Professional Land Surveyor Board	9:00 a.m.
15	UBCC Building Codes Education Committee	1:00 p.m.
15	Uniform Building Code Commission	9:00 a.m.
17	Physician Assistant Board	8:00 a.m.
17	Electricians Licensing Board	9:00 a.m.
18	Dentists/Dental Hygienists Board	9:00 a.m.
22	Pharmacy Board	9:00 a.m.
22	UBCC Fire Protection Advisory Committee	10:00 a.m.
23	Alarm System Security and Licensing Board	9:00 a.m.
23	UBCC Mechanical Advisory Committee	9:00 a.m.
23	Utah Board of Accountancy	1:00 p.m.
24	Funeral Service and Preneed Boards	9:00 a.m.
25	Nursing Board	8:00 a.m.
25	Marriage and Family Therapy Board	9:00 a.m.

June

4	Cosmetology/Barbering Board	9:00 a.m.
7	Veterinary Board	9:00 a.m.
8	Plumbers Licensing Board	8:30 a.m.
12	Physical Therapy Board	9:00 a.m.
12	UBCC Plumbing Advisory Committee	9:00 a.m.
13	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
13	Physicians Licensing Board	9:00 a.m.
13	Professional Counselor Board	10:00 a.m.
14	Chiropractic Physician Board	9:00 a.m.
15	Dentists/Dental Hygienists Board	8:00 a.m.
15	Utah Boxing Commission	9:00 a.m.
15	Architect Board	9:00 a.m.
15	Architect IDP Committee	9:00 a.m.
15	Uniform Building Code Commission	9:00 a.m.
19	UBCC Building Codes Education Committee	1:00 p.m.
20	Health Care Assistant Registration Board	9:00 a.m.
21	Physician Assistant Board	8:00 a.m.
21	Electricians Licensing Board	9:00 a.m.
26	Pharmacy Board	9:00 a.m.
27	Utah Board of Accountancy	1:00 p.m.
29	Nursing Board	8:00 a.m.

July

1	Security Services Licensing Board	9:00 a.m.
9	Psychologist Board	9:00 a.m.
11	Residence Lien Recovery Fund Advisory Board	8:00 a.m.

11	Physicians Licensing Board	9:00 a.m.
11	Professional Counselor Board	10:00 a.m.
11	UBCC Architectural Advisory Committee	1:30 p.m.
12	Controlled Substance Database Advisory Committee	9:00 a.m.
12	UBCC Structural Advisory Committee	12:00 noon
13	Plumbers Licensing Board	8:30 a.m.
14	Controlled Substance Precursor Board	2:00 p.m.
17	Professional Engineer/Professional Land Surveyor Board	9:00 a.m.
17	UBCC Building Codes Education Committee	1:00 p.m.
18	Hearing Instrument Specialist Board	9:00 a.m.
19	Physician Assistant Board	8:00 a.m.
19	Electricians Licensing Board	9:00 a.m.
20	Dentists/Dental Hygienists Board	8:00 a.m.
20	Uniform Building Code Commission	9:00 a.m.
24	Pharmacy Board	9:00 a.m.
24	UBCC Fire Protection Advisory Committee	10:00 a.m.
25	Contractors Licensing Board	8:00 a.m.
25	UBCC Mechanical Advisory Committee	9:00 a.m.
25	Utah Board of Accountancy	1:00 p.m.
27	Nursing Board	8:00 a.m.

August

7	Massage Therapy Board	9:00 a.m.
8	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
8	Professional Counselor Board	10:00 a.m.
9	Deception Detection Examiners Board	9:00 a.m.
9	Social Worker Licensing Board	8:00 a.m.
10	Professional Employer Organization Board	9:00 a.m.
10	Plumbers Licensing Board	8:30 a.m.
14	UBCC Plumbing Advisory Committee	9:00 a.m.
15	Physicians Licensing Board	9:00 a.m.
16	Physician Assistant Board	8:00 a.m.
16	Electricians Licensing Board	9:00 a.m.
17	Dentists/Dental Hygienists Board	8:00 a.m.
17	Architect Board	9:00 a.m.
17	Architect IDP Committee	9:00 a.m.
17	Uniform Building Code Commission	9:00 a.m.
21	UBCC Building Codes Education Committee	1:00 p.m.
22	Alarm System and Security Licensing Board	9:00 a.m.
22	Utah Board of Accountancy	1:00 p.m.
23	Funeral Service and Preneed Boards	9:00 a.m.
24	Marriage and Family Therapy Board	9:00 a.m.
28	Pharmacy Board	9:00 a.m.
31	Nursing Board	8:00 a.m.

September

6	Veterinary Board	9:00 a.m.
6	Security Services Licensing Board	9:00 a.m.
10	Cosmetology/Barbering Board	9:00 a.m.
12	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
12	Physicians Licensing Board	9:00 a.m.
12	Professional Counselor Board	10:00 a.m.
12	UBCC Architectural Advisory Committee	1:30 p.m.
13	Chiropractic Physician Board	9:00 a.m.
13	UBCC Structural Advisory Committee	12:00 noon
14	Plumbers Licensing Board	8:30 a.m.
14	Uniform Building Code Commission	9:00 a.m.
18	Professional Engineer/Professional Land Surveyor Board	9:00 a.m.
18	UBCC Building Codes Education Committee	1:00 p.m.
19	Health Care Assistant Registration Board	9:00 a.m.
19	Utah Boxing Commission	9:00 a.m.

SPECIAL NOTICES

20	Physician Assistant Board	8:00 a.m.
20	Electricians Licensing Board	9:00 a.m.
21	Dentists/Dental Hygienists Board	8:00 a.m.
21	Radiology Technology Board	9:00 a.m.
25	Pharmacy Board	9:00 a.m.
25	UBCC Fire Protection Advisory Committee	10:00 a.m.
26	UBCC Mechanical Advisory Committee	9:00 a.m.
26	Utah Board of Accountancy	1:00 p.m.
28	Nursing Board	8:00 a.m.

October

8	Psychologist Board	9:00 a.m.
9	Recreational Therapy Board	9:00 a.m.
9	UBCC Plumbing Advisory Committee	9:00 a.m.
10	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
10	Hearing Instrument Specialist Board	9:00 a.m.
10	Physicians Licensing Board	9:00 a.m.
10	Professional Counselor Board	10:00 a.m.
11	Licensed Substance Abuse Counselor Board	9:00 a.m.
12	Plumbers Licensing Board	8:30 a.m.
16	UBCC Building Codes Education Committee	1:00 p.m.
17	Certified Shorthand Reporters Board	9:00 a.m.
18	Physician Assistant Board	8:00 a.m.
18	Electricians Licensing Board	9:00 a.m.
19	Dentists/Dental Hygienists Board	8:00 a.m.
19	Architect Board	9:00 a.m.
19	Architect IDP Committee	9:00 a.m.
19	Uniform Building Code Commission	9:00 a.m.
23	Pharmacy Board	9:00 a.m.
23	Health Facility Administrators Board	9:00 a.m.
24	Utah Board of Accountancy	1:00 p.m.
24	Controlled Substance Precursor Board	2:00 p.m.
26	Nursing Board	8:00 a.m.
31	Contractors Licensing Board	8:00 a.m.

November

1	Security Services Licensing Board	8:00 a.m.
6	Professional Engineer/Professional Land Surveyor Board	9:00 a.m.
8	UBCC Structural Advisory Committee	12:00 noon
9	Plumbers Licensing Board	8:30 a.m.
9	Respiratory Care Board	9:00 a.m.
13	Controlled Substance Database Advisory Committee	9:00 a.m.
13	Massage Therapy Board	9:00 a.m.
14	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
14	Physicians Licensing Board	9:00 a.m.
14	Professional Counselor Board	10:00 a.m.
14	UBCC Architectural Advisory Committee	1:30 p.m.
15	Social Worker Licensing Board	8:00 a.m.
15	Physician Assistant Board	8:00 a.m.
15	Electricians Licensing Board	9:00 a.m.
15	Uniform Building Code Commission	9:00 a.m.
16	Dentists/Dental Hygienists Board	8:00 a.m.
16	Nursing Board	8:00 a.m.
20	UBCC Building Codes Education Committee	1:00 p.m.
27	Pharmacy Board	9:00 a.m.
27	UBCC Fire Protection Advisory Committee	10:00 a.m.
28	Alarm System and Security Licensing Board	9:00 a.m.
28	UBCC Mechanical Advisory Committee	9:00 a.m.
28	Utah Board of Accountancy	1:00 p.m.
29	Funeral Service and Preneed Boards	9:00 a.m.
30	Marriage and Family Therapy Board	9:00 a.m.

December

3	Cosmetology/Barber Board	9:00 a.m.
6	Veterinary Board	9:00 a.m.
11	Speech-Language Pathology and Audiology Board	9:00 a.m.
11	UBCC Plumbing Advisory Committee	9:00 a.m.
12	Residence Lien Recovery Fund Advisory Board	8:00 a.m.
12	Private Probation Provider Board	9:00 a.m.
12	Physicians Licensing Board	9:00 a.m.
12	Professional Counselor Board	10:00 a.m.
13	Chiropractic Physician Board	9:00 a.m.
14	Plumbers Licensing Board	8:30 a.m.
14	Architect Board	9:00 a.m.
14	Architect IDP Committee	9:00 a.m.
14	Nursing Board	8:00 a.m.
18	Pharmacy Board	9:00 a.m.
18	UBCC Building Codes Education Committee	1:00 p.m.
19	Utah Boxing Commission	9:00 a.m.
19	Utah Board of Accountancy	1:00 p.m.
19	Health Care Assistant Registration Board	9:00 a.m.
15	Electricians Licensing Board	9:00 a.m.
20	Physician Assistant Board	8:00 a.m.
21	Dentists/Dental Hygienists Board	8:00 a.m.
21	Uniform Building Code Commission	9:00 a.m.

**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
COMMUNITY DEVELOPMENT, LIBRARY**

PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS

The Utah State Library Division has made available Utah State Publications List No. 00-23, dated November 9, 2000 (<http://www.state.lib.ut.us/00-23.html>). For a copy of the complete list, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view them on the World Wide Web at the address above.

End of the Special Notices Section

NOTICES OF PROPOSED RULES

A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between November 2, 2000, 12:00 a.m., and November 15, 2000, 11:59 p.m., are included in this, the December 1, 2000, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., [example]). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least January 2, 2001. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through March 31, 2001, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

The Proposed Rules Begin on the Following Page.

Agriculture and Food, Animal Industry
R58-10
Meat and Poultry Inspection

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23306
FILED: 11/08/2000, 16:10
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Change Section R58-10-3, Federal Regulations Adopted by Reference.

SUMMARY OF THE RULE OR CHANGE: Include within the rule the Code of Federal Regulations (CFR) poultry product references.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 4-32-7

FEDERAL REQUIREMENT FOR THIS RULE: CFR Title 9, Chapter III, Parts 300 through 381; Parts 390 and 391; and Parts 416, 417, 424, 500, and 590

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: CFR Title 9 Chapter III, January 1, 2000, edition

ANTICIPATED COST OR SAVINGS TO:

THE STATE BUDGET: No anticipated cost or savings to state budget. These are mandatory inspections required by the federal government. Agriculture receives grants from the federal government to cover the cost of the service being provided.

LOCAL GOVERNMENTS: No anticipated cost or savings to local government. These are mandatory inspections required by the federal government. Agriculture receives grants from the federal government to cover the cost of the service being provided.

OTHER PERSONS: These are mandatory inspections required by the federal government. Agriculture receives grants from the federal government to cover the cost of the service being provided.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs. The inspections are mandatory requirements requested by the federal government.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses. These inspections are required by the federal government and performed by the state government.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food
Animal Industry
350 North Redwood Road

PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Doug Pearson or Chris Crnich at the above address, by phone at (801) 538-7144 or (801) 538-7117, by FAX at (801) 538-7126, or by Internet E-mail at dpearson@state.ut.us or ccnich@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Cary G. Peterson, Commissioner

R58. Agriculture and Food, Animal Industry.
R58-10. Meat and Poultry Inspection.

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R58-10-3. Federal Regulations Adopted by Reference.

Accordingly, the Division adopts the meat and poultry inspection standards and procedures as specified in Title 9, Chapter III, Sub-Chapter A, Agency Organization and Terminology; Mandatory Meat and Poultry Products Inspection and Voluntary Inspection and Certification, Part 300 through 381; Sub-Chapter D, Food Safety and Inspection Service Administrative Provisions, Part 390 and 391, Sub Chapter E, Regulatory Requirements Under the Federal Meat Inspection Act and the Poultry Products Inspection Act, Part 416, 417, 424, 500, and Sub-Chapter I, Egg Products Inspection Act, Part 590. Code of Federal Regulations, Animal and Animal Products, 9 CFR [303.1 through 381.207]300 through 590, January 1, [1997]2000 edition, which is incorporated by reference within this rule.

KEY: food inspection

[July 2, 1997]2001

4-32-7

Notice of Continuation June 5, 1996



Commerce, Occupational and Professional Licensing

R156-1-308d

Denial of Renewal of Licensure -
Classification of Proceedings -
Conditional Renewal During Pendency
of Adjudicative Proceedings, Audit or
Investigation

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 23295
 FILED: 11/02/2000, 14:56
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division has determined that the section needed to be changed to enable the Division to issue conditional licenses upon reinstatement without an expiration date pending the completion of a financial responsibility review. The proposed change allows the licensee to continue practicing after the expiration date of their license and it enables the Division to perform audits.

SUMMARY OF THE RULE OR CHANGE: Proposed changes made throughout Section R156-1-308d provides that conditional reinstatement of a license is granted pending the outcome of an audit to examine a licensee's required demonstration of financial responsibility.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 58-1-106(1)

ANTICIPATED COST OR SAVINGS TO:

❖ **THE STATE BUDGET:** The Division will incur minimal costs to reprint the rules once the proposed changes are made effective. Any costs (\$200) incurred will be covered in the Division's current budget.

❖ **LOCAL GOVERNMENTS:** Proposed amendments do not apply to local governments.

❖ **OTHER PERSONS:** An applicant for reinstatement will pay the same fees as currently required. However, savings may be realized in that the individual is allowed to continue to work in their profession and continue to earn a living while the audit is being performed. The Division is unable to determine any exact amount of savings that may be realized if the licensee continues to work, due to the varying degrees of pay or compensation for each of the different professions and occupations.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated. The Division only anticipates savings to persons affected by these proposed amendments as identified above.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this amendment is to allow licenses to be conditionally reinstated, as well as conditionally renewed, primarily to allow the person to work pending the completion of an audit or financial responsibility review. The fiscal impact upon business of the adoption of this amendment will be positive as it will allow individuals to work pending the outcome of a financial audit. Douglas C. Borba

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
 Occupational and Professional Licensing
 Fourth Floor, Heber M. Wells Building
 160 East 300 South

PO Box 146741
 Salt Lake City, UT 84114-6741, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.poe@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: A. Gary Bowen, Director

**R156. Commerce, Occupational and Professional Licensing.
 R156-1. General Rules of the Division of Occupational and Professional Licensing.**

R156-1-308d. Denial of Renewal of Licensure - Classification of Proceedings - Conditional Renewal or Reinstatement During Pendency of Adjudicative Proceedings, Audit or Investigation.

(1) Denial of renewal of licensure shall be classified as a formal adjudicative proceeding under Rule R156-46b.

(2) When a renewal application is denied and the applicant concerned requests a hearing to challenge the division's action as permitted by Subsection 63-46b-3(3)(d)(ii), unless the requested hearing is convened and a final order is issued prior to the expiration date shown on the applicant's current license, the division shall conditionally renew the applicant's license during the pendency of the adjudicative proceeding as permitted by Subsection 58-1-106(8).

(3)(a) When a renewal applicant or a reinstatement applicant under Subsections 58-1-308(5) or (6)(b) is selected for audit or is under investigation, the division may conditionally renew or reinstate the applicant pending the completion of the audit or investigation.

(b) The undetermined completion of a referenced audit or investigation rather than the established expiration date shall be indicated as the expiration date of a conditionally renewed or reinstated license.

(c) A conditional renewal or reinstatement shall not constitute an adverse licensure action.

(d) Upon completion of the audit or investigation, the division shall notify the renewal or reinstatement applicant whether the applicant's license is unconditionally renewed, reinstated, denied, or partially denied or reinstated.

(e) A notice of unconditional denial or partial denial of licensure to a [~~conditionally renewed~~] licensee who the division determines may be conditionally renewed or reinstated shall include the following:

(i) that the licensee's unconditional renewal or reinstatement of licensure is denied or partially denied and the basis for such action;

(ii) the division's file or other reference number of the audit or investigation;

(iii) that the denial or partial denial of unconditional renewal or reinstatement of licensure is subject to review and a description of how and when such review may be requested;

(iv) that the licensee's [~~conditionally renewed~~] license automatically will or did expire[s] on the expiration date shown on the license, and that the license will not be renewed or reinstated unless or until the applicant timely requests review; and

(v) that if the licensee timely requests review, the licensee's conditionally renewed or reinstated license does not expire until an order is issued unconditionally renewing, reinstating, denying, or partially denying the renewal or reinstatement of the licensee's license.

KEY: diversion programs, licensing, occupational licensing
[~~October 17, 2000~~2001 **58-1-106(1)**
Notice of Continuation June 2, 1997 **58-1-308**



**Commerce, Occupational and
 Professional Licensing**
R156-26a
Certified Public Accountant Licensing
Act Rules

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23296
 FILED: 11/02/2000, 18:22
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division has determined that it needs to consolidate five CPA peer advisory committees into two committees.

SUMMARY OF THE RULE OR CHANGE: Section R156-26a-201: The Peer Review Oversight Committee, an advisory committee to the Utah Board of Accountancy, will be eliminated and its functions will be handled by the Utah Board of Accountancy. The Continuing Education and Technical Standards Committees will be eliminated and its functions will be handled by the revised Peer Review Committee. The name of the Peer Review Acceptance Body will be changed to Peer Review Committee and it will have the functions of the Continuing Education and Technical Standards Committees which have been consolidated into this Committee.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-26a-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** The Division will incur minimal costs to reprint the rules once the proposed changes are made effective. Any costs incurred will be covered in the Division's

current budget. Since the members of the Committees identified above are appointed on a voluntary basis, no savings will be realized as they are not paid a per diem for their service like Board members.

❖**LOCAL GOVERNMENTS:** Proposed amendments do not apply to local governments.

❖**OTHER PERSONS:** The Division does not anticipate any costs or savings as a result of the proposed amendments. Members of the Committees identified above are appointed on a voluntarily basis and no savings will be realized as they are not paid a per diem for their service like Board members. The regulation requirements of this profession (certified public accountants) will not be changed by the proposed amendments as the amendments only streamline internal functioning of the Committees.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The Division does not anticipate any costs or savings as a result of the proposed amendments. Members of the Committees identified above are appointed on a voluntarily basis and no savings will be realized as they are not paid a per diem for their service like Board members. The regulation requirements of this profession (certified public accountants) will not be changed by the proposed amendments as the amendments only streamline internal functioning of the Committees.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this rule change is to consolidate the current five CPA committees into two committees, which will streamline the internal functioning of the committees. Since it will only impact upon the internal procedures of the Division, there will be no fiscal impact upon business. Douglas C. Borba

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
 Occupational and Professional Licensing
 Fourth Floor, Heber M. Wells Building
 160 East 300 South
 PO Box 146741
 Salt Lake City, UT 84114-6741, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsjones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/20/2000, 1:00 p.m., 160 East 300 South, Conference Room 428 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: A. Gary Bowen, Director



R156. Commerce, Occupational and Professional Licensing.
R156-26a. Certified Public Accountant Licensing Act Rules.
R156-26a-201. Advisory Peer Committees Created - Membership - Duties.

(1) There is created in accordance with Subsection 58-1-203(6), the Education Advisory Committee to the Utah Board of Accountancy consisting of one full-time faculty from each college or university in Utah which has an accredited program as set forth in Section R156-26a-302a, a majority of which committee are to be licensed CPAs.

(a) The Education Advisory Committee shall be appointed and serve in accordance with Section R156-1-204.

(b) The duties and responsibilities of the Education Advisory Committee shall include assisting the division in collaboration with the board in their duties, functions, and responsibilities defined in Section 58-1-202 as follows:

(i) reviewing an applicant's transcript of credits to determine satisfactory completion of the education requirements prior to approving the applicant to take the qualifying examination and advising the board as to the acceptability of an educational institution.

(c) The committee shall consider the following when advising the board of the acceptability of the educational institution:

(i) the institution's accreditation, the acceptability by other state licensing boards, faculty qualifications and other educational resources.

(2) ~~[There is created in accordance with Subsection 58-1-203(6), the Peer Review Oversight Committee (PROC) to the Utah Board of Accountancy consisting of five licensed CPAs who represent a cross section of Utah firms.~~

~~(a) The committee shall be appointed and serve in accordance with Section R156-1-204.~~

~~(b) The duties and responsibilities of the PROC shall include assisting the division in collaboration with the board in their duties, functions, and responsibilities defined in Section 58-1-202 as follows:~~

~~(i) monitoring of the administering organization to provide reasonable assurance that peer reviews are being conducted and reported on in accordance with the peer review minimum standards;~~

~~(ii) reviewing the policies and procedures of administering organization applicants as to their conformity with the peer review minimum standards; and~~

~~(iii) reporting to the board on conclusions reached and making recommendations, including the continued approval of the administering organization, as a result of performing the functions described in R156-26a-201(2)(b)(i) and (ii). Reports submitted to the board will not contain information concerning specific firms or reviewers;~~

~~(iv) consulting with the division regarding appropriate handling of individual licensees and firms which have unresolved matters resulting from the peer review process or have not complied with or have disregarded the peer review requirement; and~~

~~(v) other related duties and responsibilities as may be assigned by the board.~~

~~(c) The oversight procedures to be performed by the PROC in monitoring of the administering organizations may consist of the following:~~

~~(i) where the administering organization is the AICPA Peer Review Program or other approved administering organizations~~

~~other than the SEC Practice Section (SECPS) and the Private Companies Practice Section (PCPS), the PROC may perform the following functions:~~

~~(A) visit each administering organization;~~

~~(B) during the visits, the PROC may:~~

~~(I) meet with the organization's peer review PROC during the PROC's consideration of peer review documents;~~

~~(II) review the organization's procedures for administering the peer review program;~~

~~(III) review, on the basis of a random selection, a number of on-site and off-site reviews administered by the organization to include, at a minimum, a review of the report on the peer review, the letter of comments, if any, the firm's response to the matters discussed in the letter of comments, the administering organization's acceptance letter outlining any additional corrective or monitoring procedures, and the working papers on the selected reviews. The purpose of the review by the PROC is to determine whether the reviews are being conducted and reported on in accordance with the peer review minimum standards; and~~

~~(IV) expand the review of peer review documents if significant deficiencies, problems, or inconsistencies are encountered during the review of the above-described documentation.~~

~~(C) based on the foregoing procedures, make a recommendation to the board as to the continued use of the administering organization;~~

~~(D) obtain reports and any documentation that are available from the oversight committees that perform the same procedures as described in R156-26a-201(2)(c)(i)(B)(I), (II), (III) and (IV).~~

~~(ii) for reviews administered by the PCPS, review the statistics obtained from PCPS and perform other procedures as considered appropriate. Based on the results of its review, the committee shall make a recommendation to the board as to the qualifications of PCPS as an approved administering organization.~~

~~(iii) where the administering organization is the SECPS, the PROC shall review the published annual report of the Public Oversight Board and conclude whether the procedures carried out by the Public Oversight Board and the disclosures contained in the annual report are indicative of an acceptable level of oversight. Based on the results of its review, the PROC shall make a recommendation to the board as to the qualification of SECPS as an approved administering organization.~~

~~(d) With respect to proposals made by a prospective administering organization, the PROC shall perform the following procedures:~~

~~(i) review the policies as drafted by the prospective administering organization to determine whether they will provide reasonable assurance of conforming with the minimum standards for peer reviews;~~

~~(ii) review the procedures as proposed by the prospective administering organization to determine whether they will ensure the following:~~

~~(A) reviewers assigned are appropriately qualified to perform the review for the specific firm;~~

~~(B) reviewers are provided with appropriate materials, such as checklists;~~

~~(C) the prospective administering organization will consult with the reviewers on problems arising during the peer review and that specified occurrences requiring consultation are outlined;~~

~~(D) the prospective administering organization will review the results of the peer review; and~~

~~(E) the prospective administering organization has provided for an independent report acceptance body that meets the standards for peer review; the report acceptance body shall consider and accept the results of the review; the report acceptance body shall also require corrective actions of firms with significant deficiencies noted in the review process;~~

~~(iii) make recommendations to the board as to the acceptance of proposals to serve as an administering organization;~~

~~(3) There is created in accordance with Subsection 58-1-203(6), the Peer Review [Acceptance Body] Committee [(PRAB)] to the Utah Board of Accountancy consisting of not more than ten licensed CPAs.~~

~~(a) The committee shall be appointed and serve in accordance with Section R156-1-204.~~

~~(b) The duties and responsibilities of the [PRAB] Peer Review Committee shall include administration of peer reviews in which the Division is the administering organization and shall include;~~

~~(i) considering and accepting the results of peer reviews and requiring corrective action of firms with significant deficiencies noted in the review process[-];~~

~~(4) There is created in accordance with Subsection 58-1-203(6), the Continuing Education Advisory Committee to the Utah Board of Accountancy consisting of not more than seven licensed CPAs:~~

~~(a) The Continuing Education Advisory Committee shall be appointed and serve in accordance with Section R156-1-204.~~

~~(b) The duties and responsibilities of the Continuing Education Advisory Committee shall include assisting the division in collaboration with the board in their duties, functions, and responsibilities defined in Section 58-1-202 as follows:~~

~~(i) recommending CPE guidelines and standards;~~

~~(ii) evaluating compliance of CPE programs;[-and]~~

~~(iii) performing random audits to determine compliance with the CPE requirements and the standards for CPE programs[-];~~

~~(5) There is created in accordance with Subsection 58-1-203(6), the Technical Standards Advisory Committee to the Utah Board of Accountancy consisting of not more than seven licensed CPAs:~~

~~(a) The Technical Standards Advisory Committee shall be appointed and serve in accordance with Section R156-1-204.~~

~~(b) The duties and responsibilities of the Technical Standards Advisory Committee shall include assisting the division in collaboration with the board in their duties, functions, and responsibilities defined in Section 58-1-202 as follows:~~

~~(i) reviewing documents, reports, financial statements, and recommending whether or not those records conform to the standards of the profession;~~

~~(ii) reviewing complaints and recommending whether certain acts, practices or omissions violate the ethical standards of the profession;~~

~~(iii) providing technical assistance to the division; and~~

~~(iv) serving as expert witnesses at administrative hearings.~~

R156-26a-303a. Renewal Requirements - Peer Review.

(1) General.

In accordance with Subsections 58-1-308(3)(b) and 58-26a-303(2)(b), there is created a peer review requirement as a condition

for renewal of licenses issued under the Certified Public Accountant Licensing Act, providing for review of the work products of licensees and firms.

(a) The purpose of the program is to monitor compliance with applicable accounting and auditing standards adopted by generally recognized standard setting bodies. The program shall emphasize education and may include other remedial actions determined appropriate where a firm's work product and services do not comply with established professional standards. In the event a firm is unwilling or unable to comply with established standards, or intentionally disregards professional standards so as to warrant disciplinary action, the committee administering organization shall refer the matter to the division and shall consult with the division regarding appropriate action to protect the public interest.

(2) Scheduling of the Peer Review.

(a) A firm's initial peer review shall be assigned a due date to require that the initial review be started no later than 18 months after the date of the issuance of its initial report as defined in Subsection 58-26a-102(16).

(b) Not less than once in each three years a firm engaged in the practice of public accounting shall undergo, at its own expense, a peer review commensurate in scope with its practice.

(c) The administering organization will assign the year of review. A firm enrolled in a practice monitoring program which is administered by the American Institute of Certified Public Accountants (AICPA) will use the year of review assigned by the AICPA. The firm will notify the administering organization of the deadlines set by the AICPA.

(d) A peer review number will be assigned by the administering organization. The firm is required to provide this number and its registration number assigned by the division to all licensees employed by the firm. Licensees will be required to include these numbers with their application for renewal of a license to practice public accounting.

(3) Selection of a Peer Reviewer.

A firm scheduled for peer review shall engage a reviewer qualified to conduct the peer review.

(4) Qualifications of a Peer Reviewer.

(a) Peer reviewers must provide evidence of one of the two following minimum qualifications to the administering organization:

(i) acceptance as a peer reviewer by the AICPA; or

(ii) compliance with the qualifications required by the AICPA to qualify as a peer reviewer.

(b) Peer reviewers must be licensed or hold a permit to practice as a CPA in the state of Utah or another state or jurisdiction of the United States.

(c) The administering organization will approve reviewers for those reviews not administered by the AICPA.

(5) Conduct of Peer Review. Peer review shall be conducted as follows:

(a) Standards for review: Peer reviews shall be conducted according to the "Standards for Performing and Reporting on Peer Reviews" promulgated by the AICPA, effective October 5, 1998 as amended, are hereby incorporated by reference and adopted as the minimum standards for quality reviews of all firms. This section shall not require any firm or licensee to become a member of AICPA or any administering organization.

(6) Procedures in Case of Substandard Review, a Modified or Adverse Report or repeat findings.

(a) If the administering organization [~~or the PROC~~] finds that a peer review was not performed in accordance with these rules or the peer review results in a modified or adverse report or in repeat findings, the [PRAB] Peer Review Committee may require remedial action to assure that the review or performance of the CPA or CPA firm being reviewed meets the objectives of the peer review program.

(7) Review of Multi-State Firms.

(a) With respect to a multi-state firm, the [PROC] Division may accept a peer review based solely upon work conducted outside of this state as satisfying the requirement to undergo peer review under these rules, if:

(i) the peer review is conducted during the year scheduled or rescheduled under R156-26a-303a(2);

(ii) the peer review is performed in accordance with requirements equivalent to those of this state;

(iii) the peer review:

(A) studies, evaluates and reports on the quality control system of the firm as a whole in the case of on-site reviews, or;

(B) results in an evaluation and report on selected engagements in the case of off-site reviews;

(iv) the firm's internal inspection procedures require that the firm's personnel from another office outside the state perform the inspection of the office located in this state not less than once in each three year period; and

(v) at the conclusion of the peer review, the peer reviewer issues a report equivalent to that required by R156-26a-303a(6).

(b) A multi-state firm not granted approval under R156-26a-303a(8)(a) shall undergo a peer review pursuant to these rules which shall comply with R156-26a-303a(8)(a) of the multi-state firm within this state.

(c) A multi-state firm seeking approval under R156-26a-303a(8)(a) shall submit an application to the administering organization by February 1 of the year of review establishing that the peer review it proposes to undergo meets all of the requirements of R156-26a-303a(5).

(d) A multi-state firm shall submit the peer review report it receives to the Utah administering organization as required by R156-26a-303a(6) within 30 days of acceptance.

(8) Exemption.

(a) A firm which does not perform services as set out in R156-26a-303a(5)(b) or (c) is exempt from peer review and shall notify the Division of Occupational and Professional Licensing of the exemption at the time of renewal of its registration. A firm which begins providing these services must commence a peer review within 18 months of the date of the issuance of its initial report as defined in Subsection 58-26a-102(16).

(9) Mergers, Combinations, Dissolutions or Separations.

(a) Mergers or combinations: In the event that two or more firms are merged or sold and combined, the surviving firm shall retain the year of review of the largest firm.

(b) Dissolutions or separations: In the event that a firm is divided, the new firms shall retain the year of review of the former firm. In the event that this period is less than 12 months, a new year shall be assigned so that the review occurs after 12 months of operation.

(c) Upon application to the administering organization and a showing of hardship caused solely by compliance with R156-26a-303a(10)(a) or (b), the [PROC] Division may authorize a change in a firm's year of review.

(10) Extension.

(a) If the firm can demonstrate that the time established for the conduct of a peer review will create an unreasonable hardship upon the firm, the [PROC] Division may approve an extension not to exceed 180 days from the date the peer review was originally scheduled. A request for extension shall be addressed in writing by the firm to the [~~PROC, in care of the division,~~] Division with a copy to the administering organization responsible for administration of that firm's peer review. The written request for extension must be received by the [PROC] Division and the administering organization not less than 30 days prior to the date of scheduled review or the request will not be considered. The [PROC] Division shall inform the administering organization of the approval of any extension.

(11) Retention of Documents Relating to Peer Reviews.

(a) All documentation necessary to establish that each peer review was performed in conformity with peer review standards adopted by the board, including the peer review working papers, the peer review report, comment letters and related correspondence indicating the firm's concurrence or nonconcurrence, and any proposed remedial actions and related implementation shall be maintained.

(b) The documents described in R156-26a-303a(12)(a) shall be retained for a period of time corresponding to the designated retention period of the relevant administering organization [~~and, upon request of the PROC, shall be made available to it~~]. In no event shall the retention period be less than 90 days.

(12) Costs and Fees for Peer Review.

(a) All costs associated with firm-on-firm reviews will be negotiated between the firm and the reviewer and paid directly to the reviewer. All costs associated with committee assigned review team (CART) reviews will be set by the administering organization. The administering organization will collect the fees associated with CART reviews and pay the reviewer.

(b) All costs associated with the administration of the review process, including the administering organization and the PROC, will be paid from fees charged to the firms. The fees will be collected by the administering organization. The schedule of fees will be included in the administering organization's proposal. The fee schedule will specify how much is to be paid each year and will be based on the firm size.

(13) Peer Review Administered by the Division of Occupational and Professional Licensing.

(a) Any firms not participating in a peer review program administered by an administering organization approved by the [PROC] Division will be administered by the division.

(14) All financial statements, working papers, or other documents reviewed are confidential. Access to those documents shall be limited to being made available, upon request, to the Peer Review [~~Oversight~~] Committee [~~, the Peer Review Acceptance Body~~] or the technical reviewer for purposes of assuring that peer reviews are performed according to professional standards.

KEY: accountants, licensing, peer review*
[July 18, 2000]2001
Notice of Continuation May 12, 1997

58-26a-101
58-1-106(1)
58-1-202(1)



Commerce, Occupational and Professional Licensing
R156-28
Veterinary Practice Act Rules

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23309
FILED: 11/14/2000, 08:28
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: After Division and Board review, it was determined that changes needed to be made to the existing rule.

SUMMARY OF THE RULE OR CHANGE: In Section R156-28-102, Definitions: Deleted the definition "In association with licensed veterinarians" and added the following definitions "NAVLE", "NBEC", and "RACE". The one definition is being deleted because the language is too vague and it allows unlicensed veterinarians to work in Utah. In Section R156-28-302b, Experience Requirements: Added that before a veterinary internship can begin, the intern applicant must have passed the Utah Veterinary Law and Rules Examination. In Section R156-28-302c, Examination Requirements. Clarifications were made with respect to what examinations are required for applicants prior to May 1, 2000, and after May 1, 2000. After May 1, 2000, applicants for licensure who will be graduating from an approved veterinary school must complete the North American Veterinary Licensing Examination (NAVLE) examination in addition to the Utah Veterinary Law and Rules Examination. The NAVLE examination is replacing the National Board Examination and the Clinical Competency Test, both of which no longer exist. In Section R156-28-304, Continuing Education: added that certifying boards are approved by the Registry of Approved Continuing Education (RACE) of the American Veterinary Medical Association.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-28-1, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will only incur minimal costs to reprint the rules once these proposed changes are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: Proposed amendments do not apply to local governments.

❖OTHER PERSONS: Applicants for licensure as a veterinarian will see an increased cost of approximately \$20 per person to take the NAVLE examination. The NAVLE examination currently costs \$325. The old examinations, National Board Examination and Clinical Competency Test, cost \$165 and \$140 per person, respectively. The increased cost in the aggregate would be \$200 which is based on approximately 10 applicants per year.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Applicants for licensure as a veterinarian will see an increased cost of approximately \$20 per person to take the NAVLE examination. The NAVLE examination currently costs \$325. The old examinations, National Board Examination and Clinical Competency Test, cost approximately \$165 and \$140, respectively.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The purpose of this proposed amendment is to designate the examination to be successfully completed by a candidate for licensure, as well as expanding the scope of recognized continuing education. The proposed amendment also eliminates vague language appearing to authorize the unlicensed practice of the regulated profession. The proposed amendment further adds a requirement that passage of the law and rule examination is a condition precedent to commencing an internship. The potential fiscal impact upon veterinarian businesses would be the inability, upon enactment of these proposed amendments, for such businesses to hire an interns veterinarian school graduates who have not yet passed the requisite examination, at a lesser salary than licensed veterinarians. Without a basis for determining how many candidates will fail the examination, and whether there will be a shortage in the availability of fully qualified veterinarians interns, it is impossible to estimate what the fiscal impact, if any, will be on the businesses utilizing veterinarian interns. Douglas C. Borba

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Occupational and Professional Licensing
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City, UT 84114-6741, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Daniel T. Jones at the above address, by phone at (801) 530-6767, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.djones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: A. Gary Bowen, Director

R156. Commerce, Occupational and Professional Licensing.

R156-28. Veterinary Practice Act Rules.

R156-28-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 28, as used in Title 58, Chapters 1 and 28 or these rules:

(1) "Direct supervision" means the supervising licensed veterinarian shall be present at the point and time at which professional services are being provided by the student or unlicensed person being supervised.

(2) ~~["In association with licensed veterinarians" as used in Subsection 58-28-8(6) means providing consultation, performing a special procedure, or providing special expertise for a specialized case in the same facility as the Utah licensed veterinarian who requested the professional services.~~

~~(3) "Indirect supervision" means the supervising licensed veterinarian shall be available for immediate voice contact by telephone, radio, or other means and shall provide daily face-to-face consultation and review of cases at the veterinary facility for the veterinary intern or unlicensed person being supervised.~~

(3) "NAVLE", as used in these rules, means the North American Veterinary Licensing Examination.

(4) "NBEC", as used in these rules, means the National Board Examination Committee of the American Veterinary Medical Association.

~~(5) "Practice of veterinary medicine, surgery, and dentistry" means those acts and practices defined in Subsection 58-28-2(4) and includes the implantation of any electronic device for the purpose of establishing or maintaining positive identification of animals.~~

~~(6) "Qualified continuing education" means continuing education that meets the standards set forth in Section R156-28-304.~~

(7) "RACE", as used in these rules, means the Registry of Approving Continuing Education.

~~(8) "Supervision" as used in Subsection 58-28-8(2) means direct supervision.~~

~~(9) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 28, is further defined in accordance with Subsection 58-1-203(5) in Section R156-28-502.~~

~~(10) "Veterinarian-client-patient relationship" means that the veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal and the need for medical treatment, and the client who is the owner or other caretaker has agreed to follow the instruction of the veterinarian. In addition, there is sufficient knowledge of the animal by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal, or by medically appropriate and timely visits to the premises where the animal is kept. In addition, the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.~~

R156-28-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the experience requirements for licensure in Subsection 58-28-4(4) are defined, clarified, or established as follows.

(1) Each applicant for licensure as a veterinarian shall complete an approved internship which includes a minimum of 1000 hours of supervised veterinary practice to be earned in not less than six consecutive months and not more than 12 consecutive months. Successful completion of an approved internship shall be documented and submitted to the division in a form provided by the division.

(2) Each veterinary intern shall have a valid Utah veterinary internship license before beginning his 1000 hour internship.

(3) An applicant for a veterinary internship license must make application to the division on a form provided by the division.

(4) A veterinary intern shall practice under the indirect supervision of the licensed Utah veterinarian approved by the division in consultation with the board or a licensed Utah veterinarian designated by the supervising veterinarian. The veterinary intern must reapply to the division for any change of supervising veterinarian.

(5) The 1000 hour internship shall not begin before the applicant has graduated from an AVMA accredited veterinary college, passed the Utah Veterinary Law and Rules Examination and obtained his Utah internship license.

(6) If the applicant is a graduate of a foreign college of veterinary medicine, he must document ECFVG certification or acceptance to take the ECFVG examination and meet with the board before obtaining a Utah internship license and beginning his 1000 hour internship.

(7) Evidence of a completed internship shall be documented by the supervising veterinarian and the veterinary intern to the division at the time application is made for Utah licensure as a veterinarian on a form provided by the division.

R156-28-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-1-203(2) and 58-1-301(3), the examination requirements for licensure in Subsection 58-28-4(2) are defined, clarified, or established as follows:

(1) For applicants sitting for the examinations listed in this subsection prior to May 1, 2000:

(a) the National Board Examination (NBE) of the National Board Examination Committee (NBEC) of the American Veterinary Medical Association (AVMA) with a minimum passing score as determined by the NBEC;

(b) the Clinical Competency Test (CCT) of the NBEC of the AVMA with a minimum passing score as determined by the NBEC; and

(c) the Utah Veterinary Law and Rules Examination with a minimum passing score of 75%.

(2) For applicants who do not sit for the examinations listed in Subsection (1) prior to May 1, 2000:

(a) the NAVLE with a passing score as determined by the NBEC; and

- (b) the Utah Veterinary Law and Rules Examination with a minimum passing score of 75%.
- (3) To be eligible to sit for the NAVLE examination, an applicant shall submit the following:
 - (a) an application for licensure;
 - (b) application fee;
 - (c) a letter from the Dean of an approved veterinary school confirming the applicant is a student in good standing and will graduate with the next graduating class; and
 - (d) a copy of the test application submitted to NAVLE.

R156-28-304. Continuing Education.

- (1) There is hereby established a continuing professional education requirement for all individuals licensed under Title 58, Chapter 28.
- (2) During each two year period commencing on September 30 of each even numbered year, a licensee shall be required to complete not less than 24 hours of qualified professional education directly related to the licensee's professional practice.
- (3) The required number of hours of professional education for an individual who first becomes licensed during the two year period shall be decreased in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed.
- (4) Qualified professional education under this section shall:
 - (a) have an identifiable clear statement of purpose and defined objective for the educational program directly related to the practice of a veterinarian;
 - (b) be relevant to the licensee's professional practice;
 - (c) be presented in a competent, well organized, and sequential manner consistent with the stated purpose and objective of the program;
 - (d) be prepared and presented by individuals who are qualified by education, training, and experience; and
 - (e) have associated with it a competent method of registration of individuals who actually completed the professional education program and records of that registration and completion are available for review.
- (5) Credit for professional education shall be recognized in accordance with the following:
 - (a) unlimited hours shall be recognized for professional education as a student or presenter, completed in blocks of time of not less than one hour in formally established classroom courses, seminars, lectures, wet labs, or specific veterinary conferences approved or sponsored by:
 - (i) the American Veterinary Medical Association;
 - (ii) the Utah Veterinary Medical Association;
 - (iii) the American Animal Hospital Association;
 - (iv) the American Association of Equine Practitioners;
 - (v) the American Association of Bovine Practitioners;
 - (vi) certifying boards approved by the RACE of the AVMA;
 - (vii) the Western Veterinary Conference; or
 - (viii) other state veterinary medical associations;
 - (b) no more than five continuing education hours may be counted for being the primary author of an article published in a peer reviewed scientific journal and no more than two continuing education hours may be counted for being a secondary author; and
 - (c) no more than six continuing education hours may be in practice management courses.

(6) A licensee shall be responsible for maintaining competent records of completed qualified professional education for a period of four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to qualified professional education to demonstrate it meets the requirements under this section.

(7) A licensee who documents that he/she is engaged in full time activities or is subjected to circumstances which prevent that licensee from meeting the continuing professional education requirements established under this section may be excused from the requirement for a period of up to three years; however, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

KEY: veterinary medicine, licensing
~~February 18, 1999~~2001 **58-1-106(1)**
Notice of Continuation May 12, 1997 **58-1-202(1)**
58-28-1



Commerce, Real Estate
R162-102
 Application Procedures

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE No.: 23321
 FILED: 11/15/2000, 12:17
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To comply with Federal regulations regarding the issuance of temporary practice permits.

SUMMARY OF THE RULE OR CHANGE: These changes outline Federal regulations for issuing temporary practice permits, including: that the specific appraisal assignments must be covered by a contract; the application must include the name of the client, the specific property address(es), the type of property, and the estimated time to complete the assignment; the limit of two temporary permits per calendar year, with the allowance for extending the permits for an additional six months if the assignments aren't completed within the original six-month term of the temporary permit.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 61, Chapter 2b

ANTICIPATED COST OR SAVINGS TO:
 ♦THE STATE BUDGET: This amendment will not affect the state budget because the fee remains unchanged and the labor entailed in issuing temporary permits is essentially unchanged.

❖LOCAL GOVERNMENTS: This rule does not apply to local government so there will be no costs or savings at the local level.

❖OTHER PERSONS: This will not affect other persons in a monetary way because it applies to the guidelines and policies, not the fees, in obtaining temporary permits.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Costs to applicants will be reduced in that there will no longer be a fee to extend the temporary permit.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This proposed amendment requires that the temporary permit to act as an appraiser by a non-resident specifically designate the property or property to be appraised, and limits the applicant to two temporary permits per calendar year. The current rule does not restrict the temporary licensee to appraising only specified properties. The proposed rule will restrict the scope of practice by non-resident appraisers coming into the State, and will thus favor and create more business for regulated professionals holding standard Utah licenses as appraisers with a resultant positive fiscal impact on Utah licensed appraisers, but the apparent favoritism is justified by the State's need to regulate the activities of non-Utah licensed appraisers operating in our State without having been required to meet normal licensing requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce
Real Estate
Second Floor, Heber Wells Building
160 East 300 South
PO Box 146711
Salt Lake City, UT 84114-6711, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Karen Post at the above address, by phone at (801) 530-6753, by FAX at (801) 530-6749, or by Internet E-mail at kpost@br.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Theodore "Ted" Boyer, Director

**R162. Commerce, Real Estate.
R162-102. Application Procedures.**

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R162-102-4. Six-Month Temporary Permits.

102.4.1 A non-resident of this state may obtain a six-month temporary permit [for a period of six months to practice as an appraiser in this state:]to perform one or more specific appraisal assignments in Utah. In order to qualify for a temporary permit, the

specific appraisal assignments must be covered by a contract to provide appraisals. In order to obtain a temporary permit, [A]an applicant must:

102.4.1.1 Submit an application in writing requesting temporary licensure or certification. The application shall include the name of the client, the specific property address(es) to be appraised, the type of property being appraised, and the estimated time to complete the assignment;

102.4.1.2 Answer and submit a "Utah Appraiser Qualifying Questionnaire" in the form designated by the Division;

102.4.1.3 Sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.4.1.4 Pay an application fee in the amount established by the Division; and

102.4.1.5 Provide the starting date of the appraisal assignment for which the temporary permit is being obtained.

102.4.2 ~~[A temporary permit may be renewed once by paying an additional fee and submitting the forms required by the Division.]A non-resident is limited to two temporary permits per calendar year, each of which may be extended one time for an additional six month period if the assignments have not been completed within the original six-month term of the temporary permit. A temporary permit may be extended by submitting any forms required by the Division.~~

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**KEY: real estate appraisal, licensing
[2000]2001**

61-2b-23



Corrections, Administration
R251-102
Release of Communicable Disease
Information

NOTICE OF PROPOSED RULE

(Amendment)
DAR File No.: 23313
FILED: 11/14/2000, 13:08
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Reason for the change is to include our Clinical Services unit when deciding whether or not to provide information regarding communicable diseases to other Department employees.

SUMMARY OF THE RULE OR CHANGE: When providing information regarding communicable diseases to other Department employees, the division director shall consult with the Clinical Services unit to make the determination of whether or not to provide the information.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 64-13-36(3)(a)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no impact on the state budget because the change simply clarifies the Department's current internal process.

❖LOCAL GOVERNMENTS: There will be no impact on the local government because the change simply clarifies the Department's current internal process.

❖OTHER PERSONS: There will be no impact on other persons because the change simply clarifies the Department's current internal process.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs because it is a process that only involves the Department.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no fiscal impact on businesses because this is an internal process.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections Administration Suite 304 6100 South Fashion Boulevard Murray, UT 84107, or at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or by Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: H. L. Haun, Executive Director

R251. Corrections, Administration.
R251-102. Release of Communicable Disease Information.

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R251-102-3. Access to Information in Medical Files.

- (1) Information in an inmate's medical file may include:
 - (a) results of tests conducted for communicable diseases, including AIDS and HIV; and
 - (b) information self-admitted by an inmate.
 - (2) The Department shall provide information regarding communicable diseases to:
 - (a) the Board of Pardons and Parole;
 - (b) designated Department Adult Probation and Parole agents;
- and

(c) other Department employees, if necessary, based on legitimate penological interests as determined by a division director[-] in consultation with Clinical Services.

KEY: medical records, communicable diseases
[February 15, 1996]2001 **64-13-10**



Environmental Quality, Radiation Control
R313-19
Requirements of General Applicability to Licensing of Radioactive Material

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23312
FILED: 11/14/2000, 12:01
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: There are three reasons for the change. The first is to establish a requirement so that persons who provide information, that is known to be incomplete or inaccurate in some respect important to the control of radioactive materials, may be subject to enforcement action for deliberate misconduct. This change is also needed to assure that the State's rules are compatible with regulations of the U.S. Nuclear Regulatory Commission. The second change is to update the edition of an incorporation by reference from the Code of Federal Regulations. The third change is to add clarity by formatting this Rule so that divisions of the code are properly titled.

SUMMARY OF THE RULE OR CHANGE: Section R313-19-5 is added so that persons, who provide goods or services to applicants, licensees or certificate of registration holders, may not engage in conduct that causes or would have caused the licensee, applicant or certificate of registration holder to be in violation of a rule or order relating to the control of radioactive materials. Subsection R313-19-50(2) is changed so that the edition of a Code of Federal Regulations, incorporated by reference, is current. Finally, changes are made to accommodate proper style when referring to various divisions of the *Utah Administrative Code*.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 19-3-104 and 19-3-108

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 10 CFR 20, Appendix B (2000)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No additional fiscal impact on the State is expected. The Department does not anticipate additional investigations will be necessary to implement the rule because it focuses on the results of investigations. Personnel resources needed to follow up on enforcement actions are currently covered by the budget.

❖LOCAL GOVERNMENTS: No fiscal impacts are expected for local government. Based on past experience, there is limited possibility that local government, as licensed entities, will conduct actions that constitute deliberate misconduct.

❖OTHER PERSONS: Other persons who engage in deliberate misconduct are subject to enforcement action, including civil penalty, if they deliberately cause a licensee, certificate holder, or an applicant for a license or certificate to be in violation of Utah Radiation Control rules. Civil penalties may be as high as \$5,000 per violation and are established on a case-by-case basis. Therefore, it not possible to predict the aggregate cost to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons who engage in deliberate misconduct are subject to enforcement action, including civil penalty, if they deliberately cause a licensee, certificate holder, or an applicant for a license or certificate to be in violation of Utah Radiation Control rules. Civil penalties may be as high as \$5,000 per violation and are established on a case-by-case basis. Therefore, it not possible to predict the compliance cost for affected persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses would not be affected by this rule unless they engage in deliberate misconduct. If they deliberately cause a licensee, certificate holder, or an applicant for a license or certificate to be in violation of Utah Radiation Control rules, then they are subject to enforcement action. Civil penalties may be as high as \$5,000 per violation and are established on a case-by-case basis. Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Radiation Control
Building 2, State of Utah Office Park
168 North 1950 West
PO Box 144850
Salt Lake City, UT 84114-4850, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Craig Jones at the above address, by phone at (801) 536-4250, by FAX at (801) 533-4097, or by Internet E-mail at cjon@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/12/2001

AUTHORIZED BY: William J. Sinclair, Executive Secretary

R313. Environmental Quality, Radiation Control.**R313-19. Requirements of General Applicability to Licensing of Radioactive Material.****R313-19-1. Purpose and Authority.**

(1) The purpose of this rule is to prescribe requirements governing the licensing of radioactive material. This rule also gives notice to all persons who knowingly provide to any licensee, applicant, certificate of registration holder, contractor, or subcontractor, components, equipment, materials, or other goods or services, that relate to a licensee's, applicant's or certificate of registration holder's activities subject to these rules, that they may be individually subject to Executive Secretary enforcement action for violation of Section R313-19-5.

(2) The rules set forth herein are adopted pursuant to the provisions of Sections 19-3-104(3) and 19-3-104(6).

R313-19-2. General.

(1) A person shall not receive, possess, use, transfer, own or acquire radioactive material except as authorized in a specific or general license issued pursuant to Rules R313-21 or R313-22 or as otherwise provided in Rule R313-19.

(2) In addition to the requirements of Rules R313-19, R313-21 or R313-22, all licensees are subject to the requirements of Rules R313-12, R313-15, and R313-18. Licensees authorized to use sealed sources containing radioactive materials in panoramic irradiators with dry or wet storage of radioactive sealed sources, underwater irradiators, or irradiators with high dose rates from radioactive sealed sources are subject to the requirements of Rule R313-34, licensees engaged in industrial radiographic operations are subject to the requirements of Rule R313-36, licensees using radionuclides in the healing arts are subject to the requirements of Rule R313-32, licensees engaged in land disposal of radioactive material are subject to the requirements of Rule R313-25, and licensees engaged in wireline and subsurface tracer studies are subject to the requirements of Rule R313-38.

R313-19-5. Deliberate Misconduct.

(1) Any licensee, certificate of registration holder, applicant for a license or certificate of registration, employee of a licensee, certificate of registration holder or applicant; or any contractor, including a supplier or consultant, subcontractor, employee of a contractor or subcontractor of any licensee or certificate of registration holder or applicant for a license or certificate of registration, who knowingly provides to any licensee, applicant, certificate holder, contractor, or subcontractor, any components, equipment, materials, or other goods or services that relate to a licensee's, certificate holder's or applicant's activities in these rules, may not:

(a) Engage in deliberate misconduct that causes or would have caused, if not detected, a licensee, certificate of registration holder, or applicant to be in violation of any rule or order; or any term, condition, or limitation of any license issued by the Executive Secretary; or

(b) Deliberately submit to the Executive Secretary, a licensee, certificate of registration holder, an applicant, or a licensee's, certificate holder's or applicant's, contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Executive Secretary.

(2) A person who violates Subsections R313-19-5(1)(a) or (b) may be subject to enforcement action in accordance with Rule R313-14.

(3) For the purposes of Subsection R313-19-5(1)(a), deliberate misconduct by a person means an intentional act or omission that the person knows:

(a) Would cause a licensee, certificate of registration holder or applicant to be in violation of any rule or order; or any term, condition, or limitation, of any license issued by the Executive Secretary; or

(b) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, certificate of registration holder, applicant, contractor, or subcontractor.

R313-19-13. Exemptions.

(1) Source material.

(a) A person is exempt from Rules R313-19, R313-21, and R313-22 to the extent that the person receives, possesses, uses, owns, or transfers source material in a chemical mixture, compound, solution or alloy in which the source material is by weight less than 1/20 of one percent (0.05 percent) of the mixture, compound, solution, or alloy.

(b) A person is exempt from Rules R313-19, R313-21, and R313-22 to the extent that the person receives, possesses, uses or transfers unrefined and unprocessed ore containing source material; provided, that, except as authorized in a specific license, such person shall not refine or process the ore.

(c) A person is exempt from Rules R313-19, R313-21, and R313-22 to the extent that the person receives, possesses, uses or transfers:

(i) any quantities of thorium contained in:

(A) incandescent gas mantles,

(B) vacuum tubes,

(C) welding rods,

(D) electric lamps for illuminating purposes: provided that, each lamp does not contain more than 50 milligrams of thorium,

(E) germicidal lamps, sunlamps, and lamps for outdoor or industrial lighting provided that each lamp does not contain more than two grams of thorium,

(F) rare earth metals and compounds, mixtures, and products containing not more than 0.25 percent by weight thorium, uranium, or any combination of these, or

(G) personnel neutron dosimeters provided that each dosimeter does not contain more than 50 milligrams of thorium;

(ii) source material contained in the following products:

(A) glazed ceramic tableware, provided that the glaze contains not more than 20 percent by weight source material,

(B) piezoelectric ceramic containing not more than two percent by weight source material, or

(C) glassware containing not more than ten percent by weight source material, but not including commercially manufactured glass

brick, pane glass, ceramic tile, or other glass or ceramic used in construction;

(iii) photographic film, negatives and prints containing uranium or thorium;

(iv) a finished product or part fabricated of, or containing, tungsten-thorium or magnesium-thorium alloys, provided that the thorium content of the alloy does not exceed four percent by weight and that this exemption shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of the product or part;

(v) uranium contained in counterweights installed in aircraft, rockets, projectiles, and missiles, or stored or handled in connection with installation or removal of the counterweights, provided that:

(A) the counterweights are manufactured in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission authorizing distribution by the licensee pursuant to 10 CFR Part 40,

(B) each counterweight has been impressed with the following legend clearly legible through any plating or other covering: "DEPLETED URANIUM",

(C) each counterweight is durably and legibly labeled or marked with the identification of the manufacturer and the statement: "UNAUTHORIZED ALTERATIONS PROHIBITED",

(D) The requirements specified in Subsections R313-19-13(1)(c)(v)(B) and (C) need not be met by counterweights manufactured prior to December 31, 1969, provided that such counterweights are impressed with the legend, "CAUTION - RADIOACTIVE MATERIAL - URANIUM", as previously required by the rules, and

(E) the exemption contained in Subsection R313-19-13(1)(c)(v) shall not be deemed to authorize the chemical, physical, or metallurgical treatment or processing of counterweights other than repair or restoration of any plating or other covering;

(vi) natural or depleted uranium metal used as shielding constituting part of a shipping container which is conspicuously and legibly impressed with the legend "CAUTION - RADIOACTIVE SHIELDING - URANIUM" and the uranium metal is encased in mild steel or equally fire resistant metal of minimum wall thickness of one eighth inch (3.2 mm);

(vii) thorium contained in finished optical lenses, provided that each lens does not contain more than 30 percent by weight of thorium, and that this exemption shall not be deemed to authorize either:

(A) the shaping, grinding, or polishing of a lens or manufacturing processes other than the assembly of such lens into optical systems and devices without alteration of the lens, or

(B) the receipt, possession, use, or transfer of thorium contained in contact lenses, or in spectacles, or in eyepieces in binoculars or other optical instruments;

(viii) uranium contained in detector heads for use in fire detection units, provided that each detector head contains not more than 0.005 microcurie (185.0 Bq) of uranium; or

(ix) thorium contained in a finished aircraft engine part containing nickel-thoria alloy, provided that:

(A) the thorium is dispersed in the nickel-thoria alloy in the form of finely divided thoria (thorium dioxide), and

(B) the thorium content in the nickel-thoria alloy does not exceed four percent by weight.

(d) The exemptions in Subsection R313-19-13(1)(c) do not authorize the manufacture of any of the products described.

(2) Radioactive material other than source material.

(a) Exempt concentrations.

(i) Except as provided in Subsection R313-19-13(2)(a)(ii) a person is exempt from Rules R313-19, R313-21 and R313-22 to the extent that the person receives, possesses, uses, transfers, owns or acquires products or materials containing:

(A) radioactive material introduced in concentrations not in excess of those listed in Section R313-19-70, or

(B) natural occurring radioactive materials containing less than 15 picocuries per gram radium-226.

(ii) A person may not introduce radioactive material into a product or material knowing or having reason to believe that it will be transferred to persons exempt under Subsection R313-19-13(2)(a)(i) or equivalent regulations of a Licensing State, the U.S. Nuclear Regulatory Commission or an Agreement State, except in accordance with a specific license issued pursuant to Subsection R313-22-75(1) or the general license provided in Section R313-19-30.

(b) Exempt quantities.

(i) Except as provided in Subsections R313-19-13(2)(b)(ii) and (iii) a person is exempt from these rules to the extent that the person receives, possesses, uses, transfers, owns, or acquires radioactive material in individual quantities which do not exceed the applicable quantity set forth in Section R313-19-71.

(ii) Subsection R313-19-13(2)(b) does not authorize the production, packaging or repackaging of radioactive material for purposes of commercial distribution, or the incorporation of radioactive material into products intended for commercial distribution.

(iii) A person may not, for purposes of commercial distribution, transfer radioactive material in the individual quantities set forth in Section R313-19-71, knowing or having reason to believe that the quantities of radioactive material will be transferred to persons exempt under Subsection R313-19-13(2)(b) or equivalent regulations of a Licensing State, the U.S. Nuclear Regulatory Commission or an Agreement State, except in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, pursuant to 10 C.F.R. Part 32 or by the Executive Secretary pursuant to Subsection R313-22-75(2), which license states that the radioactive material may be transferred by the licensee to persons exempt under Subsection R313-19-13(2)(b) or the equivalent regulations of a Licensing State, the U.S. Nuclear Regulatory Commission or an Agreement State.

(iv) A person who possesses radioactive material received or acquired prior to September 25, 1971, under the general license formerly provided in 10 C.F.R. Part 31.5 is exempt from the requirements for a license set forth in Rule R313-19 to the extent that the person possesses, uses, transfers or owns the radioactive material. This exemption does not apply for radium-226.

(c) Exempt items.

(i) Certain items containing radioactive material. Except for persons who apply radioactive material to, or persons who incorporate radioactive material into the following products, a person is exempt from these rules to the extent that person receives, possesses, uses, transfers, owns or acquires the following products:

(A) Timepieces or hands or dials containing not more than the following specified quantities of radioactive material and not exceeding the following specified levels of radiation:

(I) 25 millicuries (925.0 MBq) of tritium per timepiece;

(II) five millicuries (185.0 MBq) of tritium per hand;

(III) 15 millicuries (555.0 MBq) of tritium per dial. Bezels when used shall be considered as part of the dial;

(IV) 100 microcuries (3.7 MBq) of promethium-147 per watch or 200 microcuries (7.4 MBq) of promethium-147 per any other timepiece;

(V) 20 microcuries (0.74 MBq) of promethium-147 per watch hand or 40 microcuries (1.48 MBq) of promethium-147 per other timepiece hand;

(VI) 60 microcuries (2.22 MBq) of promethium-147 per watch dial or 120 microcuries (4.44 MBq) of promethium-147 per other timepiece dial. Bezels when used shall be considered as part of the dial;

(VII) the radiation dose rate from hands and dials containing promethium-147 will not exceed, when measured through 50 milligrams per square centimeter of absorber:

for wrist watches, 0.1 millirad (1.0 uGy) per hour at ten centimeters from any surface;

for pocket watches, 0.1 millirad (1.0 uGy) per hour at one centimeter from any surface;

for other timepieces, 0.2 millirad (2.0 uGy) per hour at ten centimeters from any surface;

(VIII) one microcurie (37.0 kBq) of radium-226 per timepiece in timepieces manufactured prior to the effective date of these rules.

(B) Lock illuminators containing not more than 15 millicuries (555.0 MBq) of tritium or not more than two millicuries (74.0 MBq) of promethium-147 installed in automobile locks. The levels of radiation from each lock illuminator containing promethium-147 will not exceed one millirad (10 uGy) per hour at one centimeter from any surface when measured through 50 milligrams per square centimeter of absorber.

(C) Precision balances containing not more than one millicurie (37.0 MBq) of tritium per balance or not more than 0.5 millicurie (18.5 MBq) of tritium per balance part.

(D) Automobile shift quadrants containing not more than 25 millicuries (925 MBq) of tritium.

(E) Marine compasses containing not more than 750 millicuries (27.8 GBq) of tritium gas and other marine navigational instruments containing not more than 250 millicuries (9.25 GBq) of tritium gas.

(F) Thermostat dials and pointers containing not more than 25 millicuries (925.0 MBq) of tritium per thermostat.

(G) Electron tubes, including spark gap tubes, power tubes, gas tubes including glow lamps, receiving tubes, microwave tubes, indicator tubes, pick-up tubes, radiation detection tubes, and other completely sealed tubes that are designed to conduct or control electrical currents; provided that each tube does not contain more than one of the following specified quantities of radioactive material:

(I) 150 millicuries (5.55 GBq) of tritium per microwave receiver protector tube or ten millicuries (370.0 MBq) of tritium per any other electron tube;

(II) one microcurie (37.0 kBq) of cobalt-60;

(III) five microcuries (185.0 kBq) of nickel-63;

- (IV) 30 microcuries (1.11 MBq) of krypton-85;
- (V) five microcuries (185.0 kBq) of cesium-137;
- (VI) 30 microcuries (1.11 MBq) of promethium-147;
- (VII) one microcurie (37.0 kBq) of radium-226;

and provided further, that the radiation dose rate from each electron tube containing radioactive material will not exceed one millirad (10.0 uGy) per hour at one centimeter from any surface when measured through seven milligrams per square centimeter of absorber.

(H) Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, one or more sources of radioactive material, provided that:

(I) each source contains no more than one exempt quantity set forth in Section R313-19-71; and

(II) each instrument contains no more than ten exempt quantities. For purposes of this requirement, an instrument's source(s) may contain either one type or different types of radionuclides and an individual exempt quantity may be composed of fractional parts of one or more of exempt quantities in Section R313-19-71, provided that the sum of the fractions shall not exceed unity;

(III) for purposes of Subsection R313-19-13(2)(c)(i)(H), 0.05 microcurie (1.85 kBq) of americium-241 is considered an exempt quantity under Section R313-19-71.

(I) Spark gap irradiators containing not more than one microcurie (37.0 kBq) of cobalt-60 per spark gap irradiator for use in electrically ignited fuel oil burners having a firing rate of at least three gallons (11.4 liters) per hour.

(ii) Self-luminous products containing radioactive material.

(A) Tritium, krypton-85 or promethium-147. Except for persons who manufacture, process or produce self-luminous products containing tritium, krypton-85 or promethium-147, a person is exempt from these rules to the extent that the person receives, possesses, uses, transfers, owns, or acquires tritium, krypton-85 or promethium-147 in self-luminous products manufactured, processed, produced, imported or transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 C.F.R. Part 32.22, which license authorizes the transfer of the product to persons who are exempt from regulatory requirements. The exemption in Subsection R313-19-13(2)(c)(ii) does not apply to tritium, krypton-85, or promethium-147 used in products for frivolous purposes or in toys or adornments.

(B) Radium-226. A person is exempt from these rules, to the extent that such person receives, possesses, uses, transfers, or owns articles containing less than 0.1 microcurie (3.7 kBq) of radium-226 which were acquired prior to the effective date of these rules.

(iii) Gas and aerosol detectors containing radioactive material.

(A) Except for persons who manufacture, process, or produce gas and aerosol detectors containing radioactive material, a person is exempt from these rules to the extent that the person receives, possesses, uses, transfers, owns, or acquires radioactive material in gas and aerosol detectors designed to protect life or property from fires and airborne hazards, provided that detectors containing radioactive material shall have been manufactured, imported, or transferred in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission pursuant to 10 C.F.R. Part 32.26, or a Licensing State pursuant to Subsection R313-22-75(3) or

equivalent requirements, which authorizes the transfer of the detectors to persons who are exempt from regulatory requirements.

(B) Gas and aerosol detectors previously manufactured and distributed to general licensees in accordance with a specific license issued by an Agreement State shall be considered exempt under Subsection R313-19-13(2)(c)(iii)(A), provided that the device is labeled in accordance with the specific license authorizing distribution of the general licensed device, and provided further that they meet the requirements of Subsection R313-22-75(3).

(C) Gas and aerosol detectors containing naturally occurring and accelerator-produced radioactive material (NARM) previously manufactured and distributed in accordance with a specific license issued by a Licensing State shall be considered exempt under Subsection R313-19-13(2)(c)(iii)(A), provided that the device is labeled in accordance with the specific license authorizing distribution, and provided further that they meet the requirements of Subsection R313-22-75(3).

(iv) Capsules containing carbon-14 urea for "in vivo" diagnostic use for humans.

(A) Except as provided in Subsection R313-19-13(2)(c)(iv)(B), any person is exempt from the [regulations] requirements in Rules R313-19 and R313-32 provided that the person receives, possesses, uses, transfers, owns, or acquires capsules containing 37 kBq (1 uCi) carbon-14 urea (allowing for nominal variation that may occur during the manufacturing process) each, for "in vivo" diagnostic use for humans.

(B) Any person who desires to use the capsules for research involving human subjects shall apply for and receive a specific license pursuant to Rule R313-32.

(C) Nothing in Subsection R313-19-13(2)(c)(iv) relieves persons from complying with applicable United States Food and Drug Administration, other Federal, and State requirements governing receipt, administration, and use of drugs.

(v) Resins containing scandium-46 and designed for sand consolidation in oil wells. A person is exempt from these rules to the extent that the person receives, possesses, uses, transfers, owns or acquires synthetic plastic resins containing scandium-46 which are designed for sand consolidation in oil wells. The resins shall have been manufactured or imported in accordance with a specific license issued by the U.S. Nuclear Regulatory Commission, or shall have been manufactured in accordance with the specifications contained in a specific license issued by the Executive Secretary or an Agreement State to the manufacturer of resins pursuant to licensing requirements equivalent to those in 10 C.F.R. Part 32.16 and 32.17. This exemption does not authorize the manufacture of any resins containing scandium-46.

(vi) With respect to Subsections R313-19-13(2)(b)(iii), R313-19-13(2)(c)(i), (iii) and (iv), the authority to transfer possession or control by the manufacturer, processor, or producer of equipment, devices, commodities, or other products containing byproduct material whose subsequent possession, use, transfer, and disposal by other persons is exempted from regulatory requirements may be obtained only from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

R313-19-20. Types of Licenses.

Licenses for radioactive materials are of two types: general and specific.

(1) General licenses provided in Rule R313-21 are effective without the filing of applications with the Executive Secretary or the issuance of licensing documents to the particular persons, although the filing of a registration certificate with the Executive Secretary may be required by the particular general license. The general licensee is subject to the other applicable portions of these rules and limitations of the general license.

(2) Specific licenses require the submission of an application to the Executive Secretary and the issuance of a licensing document by the Executive Secretary. The licensee is subject to applicable portions of these rules as well as limitations specified in the licensing document.

R313-19-25. Prelicensing Inspection.

The Executive Secretary may verify information contained in applications and secure additional information deemed necessary to make a reasonable determination as to whether to issue a license and whether special conditions should be attached thereto by visiting the facility or location where radioactive materials would be possessed or used, and by discussing details of the proposed possession or use of the radioactive materials with the applicant or representatives designated by the applicant. Such visits may be made by representatives of the Board or the Executive Secretary.

R313-19-30. Reciprocal Recognition of Licenses.

(1) Subject to these rules, a person who holds a specific license from the U.S. Nuclear Regulatory Commission, an Agreement State, or Licensing State, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in the licensing document within this state, except in areas of exclusive federal jurisdiction, for a period not in excess of 180 days in a calendar year provided that:

(a) the licensing document does not limit the activity authorized by the document to specified installations or locations;

(b) the out-of-state licensee notifies the Executive Secretary in writing at least three days prior to engaging in such activity. Notifications shall indicate the location, period, and type of proposed possession and use within the state, and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three-day period would impose an undue hardship on the out-of-state licensee, the licensee may, upon application to the Executive Secretary, obtain permission to proceed sooner. The Executive Secretary may waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in Subsection R313-19-30(1);

(c) the out-of-state licensee complies with all applicable rules of the Board and with the terms and conditions of the licensing document, except those terms and conditions which may be inconsistent with applicable rules of the Board;

(d) the out-of-state licensee supplies other information as the Executive Secretary may request; and

(e) the out-of-state licensee shall not transfer or dispose of radioactive material possessed or used under the general license provided in Subsection R313-19-30(1) except by transfer to a person:

(i) specifically licensed by the Executive Secretary or by the U.S. Nuclear Regulatory Commission, a Licensing State, or an Agreement State to receive the material, or

(ii) exempt from the requirements for a license for material under Subsection R313-19-13(2)(a).

(2) Notwithstanding the provisions of Subsection R313-19-30(1), a person who holds a specific license issued by the U.S. Nuclear Regulatory Commission, a Licensing State, or an Agreement State authorizing the holder to manufacture, transfer, install, or service a device described in Subsection R313-21-22(4) within the areas subject to the jurisdiction of the licensing body is hereby granted a general license to install, transfer, demonstrate, or service a device in this state provided that:

(a) the person shall file a report with the Executive Secretary within thirty days after the end of a calendar quarter in which a device is transferred to or installed in this state. Reports shall identify each general licensee to whom a device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device;

(b) the device has been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license issued to the person by the Nuclear Regulatory Commission, a Licensing State, or an Agreement State;

(c) the person shall assure that any labels required to be affixed to the device under rules of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited"; and

(d) the holder of the specific license shall furnish to the general licensee to whom the device is transferred or on whose premises a device is installed a copy of the general license contained in Subsection R313-21-22(4) or in equivalent rules of the agency having jurisdiction over the manufacture and distribution of the device.

(3) The Executive Secretary may withdraw, limit, or qualify his acceptance of a specific license or equivalent licensing document issued by the U.S. Nuclear Regulatory Commission, a Licensing State or an Agreement State, or a product distributed pursuant to the licensing document, upon determining that the action is necessary in order to prevent undue hazard to public health and safety or property~~the environment~~.

R313-19-34. Terms and Conditions of Licenses.

(1) Licenses issued pursuant to Rule R313-19 shall be subject to provisions of the Act, now or hereafter in effect, and to all rules, and orders of the Executive Secretary.

(2) Licenses issued or granted under Rules R313-21 and R313-22 and rights to possess or utilize radioactive material granted by a license issued pursuant to Rules R313-21 and R313-22 shall not be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of a license to a person unless the Executive Secretary shall, after securing full information find that the transfer is in accordance with the provisions of the Act now or hereafter in effect, and to all rules, and orders of the Executive Secretary, and shall give his consent in writing.

(3) Persons licensed by the Executive Secretary pursuant to Rules R313-21 and R313-22 shall confine use and possession of the material licensed to the locations and purposes authorized in the license.

(4) Licensees shall notify the Executive Secretary in writing and request termination of the license when the licensee decides to terminate activities involving materials authorized under the license.

(5) Licensees shall notify the Executive Secretary in writing immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11, Bankruptcy, of the United States Code by or against:

(a) the licensee;

(b) an entity, as that term is defined in 11 U.S.C.101(14), controlling the licensee or listing the license or licensee as property of the estate; or

(c) an affiliate, as that term is defined in 11 U.S.C.101(2), of the licensee.

(6) The notification specified in Subsection R313-19-34(5) shall indicate:

(a) the bankruptcy court in which the petition for bankruptcy was filed; and

(b) the date of the filing of the petition.

(7) Licensees required to submit emergency plans pursuant to Subsection R313-22-32(8) shall follow the emergency plan approved by the Executive Secretary. The licensee may change the approved plan without the Executive Secretary's approval only if the changes do not decrease the effectiveness of the plan. The licensee shall furnish the change to the Executive Secretary and to affected off-site response organizations within six months after the change is made. Proposed changes that decrease, or potentially decrease, the effectiveness of the approved emergency plan may not be implemented without prior application to and prior approval by the Executive Secretary.

R313-19-41. Transfer of Material.

(1) Licensees shall not transfer radioactive material except as authorized pursuant to Section R313-19-41.

(2) Except as otherwise provided in the license and subject to the provisions of Subsections R313-19-41(3) and (4), licensees may transfer radioactive material:

(a) to the Executive Secretary, if prior approval from the Executive Secretary has been received;

(b) to the U.S. Department of Energy;

(c) to persons exempt from the rules in Rule R313-19 to the extent permitted under the exemption;

(d) to persons authorized to receive the material under terms of a general license or its equivalent, or a specific license or equivalent licensing document, issued by the Executive Secretary, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, or to a person otherwise authorized to receive the material by the federal government or an agency thereof, the Executive Secretary, an Agreement State or a Licensing State; or

(e) as otherwise authorized by the Executive Secretary in writing.

(3) Before transferring radioactive material to a specific licensee of the Executive Secretary, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State, or to a general licensee who is required to register with the Executive Secretary, the U.S. Nuclear Regulatory Commission, an Agreement State or a Licensing State prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

(4) The following methods for the verification required by Subsection R313-19-41(3) are acceptable:

(a) the transferor may possess, and read a current copy of the transferee's specific license or registration certificate;

(b) the transferor may possess a written certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date;

(c) for emergency shipments, the transferor may accept oral certification by the transferee that the transferee is authorized by license or registration certificate to receive the type, form, and quantity of radioactive material to be transferred, specifying the license or registration certificate number, issuing agency, and expiration date, provided that the oral certification is confirmed in writing within ten days;

(d) the transferor may obtain other information compiled by a reporting service from official records of the Executive Secretary, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State regarding the identity of licensees and the scope and expiration dates of licenses and registration; or

(e) when none of the methods of verification described in Subsection R313-19-41(4) are readily available or when a transferor desires to verify that information received by one of the methods is correct or up-to-date, the transferor may obtain and record confirmation from the Executive Secretary, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State that the transferee is licensed to receive the radioactive material.

(5) Shipment and transport of radioactive material shall be in accordance with the provisions of Section R313-19-100.

R313-19-50. Reporting Requirements.

(1) Licensees shall notify the Executive Secretary as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits. Events may include fires, explosions, toxic gas releases, etc.

(2) The following events involving licensed material require notification of the Executive Secretary by the licensee within 24 hours:

(a) an unplanned contamination event that:

(i) requires access to the contamination area, by workers or the public, to be restricted for more than 24 hours by imposing additional radiological controls or by prohibiting entry into the area;

(ii) involves a quantity of material greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR 20.1001 [~~to~~through 20.2402[;] [1993](2000)[~~ed~~], which is incorporated by reference, for the material; and

(iii) has access to the area restricted for a reason other than to allow radionuclides with a half-life of less than 24 hours to decay prior to decontamination; or

(b) an event in which equipment is disabled or fails to function as designed when:

(i) the equipment is required by rule or license condition to prevent releases exceeding regulatory limits, to prevent exposures to radiation and radioactive materials exceeding regulatory limits, or to mitigate the consequences of an accident;

(ii) the equipment is required by rule or license condition to be available and operable; and

(iii) no redundant equipment is available and operable to perform the required safety function; or

(c) an event that requires unplanned medical treatment at a medical facility of an individual with spreadable radioactive contamination on the individual's clothing or body; or

(d) an unplanned fire or explosion damaging licensed material or a device, container, or equipment containing licensed material when:

(i) the quantity of material involved is greater than five times the lowest annual limit on intake specified in Appendix B of 10 CFR 20.1001 [to] through 20.2402[;] [~~1993~~](2000)[~~ed.~~], which is incorporated by reference, for the material; and

(ii) the damage affects the integrity of the licensed material or its container.

(3) Preparation and submission of reports. Reports made by licensees in response to the requirements of Section R313-19-50 must be made as follows:

(a) licensees shall make reports required by Subsections R313-19-50(1) and (2) by telephone to the Executive Secretary. To the extent that the information is available at the time of notification, the information provided in these reports must include:

- (i) the caller's name and call back telephone number;
- (ii) a description of the event, including date and time;
- (iii) the exact location of the event;
- (iv) the radionuclides, quantities, and chemical and physical form of the licensed material involved; and
- (v) available personnel radiation exposure data.

(b) Written report. A licensee who makes a report required by Subsections R313-19-50(1) or (2) shall submit a written follow-up report within 30 days of the initial report. Written reports prepared pursuant to other rules may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports shall be sent to the Executive Secretary. The report shall include the following:

- (i) A description of the event, including the probable cause and the manufacturer and model number, if applicable, of equipment that failed or malfunctioned;
- (ii) the exact location of the event;
- (iii) the radionuclides, quantities, and chemical and physical form of the licensed material involved;
- (iv) date and time of the event;
- (v) corrective actions taken or planned and results of evaluations or assessments; and
- (vi) the extent of exposure of individuals to radiation or radioactive materials without identification of individuals by name.

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R313-19-70. Exempt Concentrations of Radioactive Materials.
Refer to Subsection R313-19-13(2)(a)

		TABLE	
Element (Atomic Number)	Radionuclide	Concentration	
		Material Normally Used As Gas (uCi/ml)	Column II Concentration Liquid (uCi/ml) Solid (uCi/g)
Antimony (51)	Sb-122		3 E-4
	Sb-124		2 E-4
	Sb-125		1 E-3
Argon (18)	Ar-37	1 E-3	
	Ar-41	4 E-7	
Arsenic (33)	As-73		5 E-3
	As-74		5 E-4
	As-76		2 E-4
	As-77		8 E-4
Barium (56)	Ba-131		2 E-3
	Ba-140		3 E-4
Beryllium (4)	Be-7		2 E-2
	Bi-206		4 E-4
Bismuth (83)	Br-82	4 E-7	3 E-3
Bromine (35)	Cd-109		2 E-3
	Cadmium (48)	Cd-115m	3 E-4
Calcium (20)	Cd-115		3 E-4
	Ca-45		9 E-5
	Ca-47		5 E-4
Carbon (6)	C-14	1 E-6	8 E-3
	Cerium (58)	Ce-141	
Ce-143			4 E-4
Ce-144			1 E-4
Cesium (55)	Cs-131		2 E-2
	Cs-134m		6 E-2
	Cs-134		9 E-5
Chlorine (17)	Cl-38	9 E-7	4 E-3
	Chromium (24)	Cr-51	2 E-2
Cobalt (27)	Co-57		5 E-3
	Co-58		1 E-3
Copper (29)	Co-60		5 E-4
	Cu-64		3 E-3
Dysprosium (66)	Dy-165		4 E-3
	Dy-166		4 E-4
Erbium (68)	Er-169		9 E-4
	Er-171		1 E-3
Europium (63)	Eu-152		6 E-4
	(T = 9.2 h)		
Fluorine (9)	Eu-155		2 E-3
	F-18	2 E-6	8 E-3
Gadolinium (64)	Gd-153		2 E-3
	Gd-159		8 E-4
Gallium (31)	Ga-72		4 E-4
	Germanium (32)	Ge-71	2 E-2
Gold (79)	Au-196		2 E-3
	Au-198		5 E-4
	Au-199		2 E-3
Hafnium (72)	Hf-181		7 E-4
	Hydrogen (1)	H-3	5 E-6
Iridium (77)	Hydrogen (1)		3 E-2
	Indium (49)	In-113m	
Iodine (53)		In-114m	
	I-126	3 E-9	2 E-5
	I-131	3 E-9	2 E-5
	I-132	8 E-8	6 E-4
	I-133	1 E-8	7 E-5
	I-134	2 E-7	1 E-3
Iron (26)	Ir-190		2 E-3
	Ir-192		4 E-4
	Ir-194		3 E-4
Krypton (36)	Fe-55		8 E-3
	Fe-59		6 E-4
	Kr-85m	1 E-6	
	Kr-85	3 E-6	

Lanthanum (57)	La-140	2 E-4	Tungsten	W-181	4 E-3
Lead (82)	Pb-203	4 E-3	(Wolfram)(74)	W-187	7 E-4
Lutetium (71)	Lu-177	1 E-3	Vanadium (23)	V-48	3 E-4
Manganese (25)	Mn-52	3 E-4	Xenon (54)	Xe-131m	4 E-6
	Mn-54	1 E-3		Xe-133	3 E-6
	Mn-56	1 E-3		Xe-135	1 E-6
Mercury (80)	Hg-197m	2 E-3	Ytterbium (70)	Yb-175	1 E-3
	Hg-197	3 E-3	Yttrium (39)	Y-90	2 E-4
	Hg-203	2 E-4		Y-91m	3 E-2
Molybdenum (42)	Mo-99	2 E-3		Y-91	3 E-4
Neodymium (60)	Nd-147	6 E-4		Y-92	6 E-4
	Nd-149	3 E-3		Y-93	3 E-4
Nickel (28)	Ni-65	1 E-3	Zinc (30)	Zn-65	1 E-3
Niobium	Nb-95	1 E-3		Zn-69m	7 E-4
(Columbium)(41)	Nb-97	9 E-3		Zn-69	2 E-2
Osmium (76)	Os-185	7 E-4	Zirconium (40)	Zr-95	6 E-4
	Os-191m	3 E-2		Zr-97	2 E-4
	Os-191	2 E-3	Beta or gamma emitting radioactive material not listed above with half-life less than 3 years		
	Os-193	6 E-4			
Palladium (46)	Pd-103	3 E-3		1 E-10	1 E-6
	Pd-109	9 E-4			
Phosphorus (15)	P-32	2 E-4			
Platinum (78)	Pt-191	1 E-3			
	Pt-193m	1 E-2			
	Pt-197m	1 E-2			
	Pt-197	1 E-3			
Potassium (19)	K-42	3 E-3			
Praseodymium (59)	Pr-142	3 E-4			
	Pr-143	5 E-4			
Promethium (61)	Pm-147	2 E-3			
	Pm-149	4 E-3			
Rhenium (75)	Re-183	6 E-4			
	Re-186	9 E-3			
	Re-188	6 E-4			
Rhodium (45)	Rh-103m	1 E-1			
	Rh-105	1 E-3			
Rubidium (37)	Rb-86	7 E-4			
Ruthenium (44)	Ru-97	4 E-4			
	Ru-103	8 E-4			
	Ru-105	1 E-3			
	Ru-106	1 E-4			
Samarium (62)	Sm-153	8 E-4			
Scandium (21)	Sc-46	4 E-4			
	Sc-47	9 E-4			
	Sc-48	3 E-4			
Selenium (34)	Se-75	3 E-3			
Silicon (14)	Si-31	9 E-3			
Silver (47)	Ag-105	1 E-3			
	Ag-110m	3 E-4			
	Ag-111	4 E-4			
Sodium (11)	Na-24	2 E-3			
Strontium (38)	Sr-85	1 E-4			
	Sr-89	1 E-4			
	Sr-91	7 E-4			
	Sr-92	7 E-4			
Sulfur (16)	S-35	9 E-8			
Tantalum (73)	Ta-182	6 E-4			
Technetium (43)	Tc-96m	4 E-4			
	Tc-96	1 E-1			
	Tc-96	1 E-3			
Tellurium (52)	Te-125m	2 E-3			
	Te-127m	6 E-4			
	Te-127	3 E-3			
	Te-129m	3 E-4			
	Te-131m	6 E-4			
	Te-132	3 E-4			
Terbium (65)	Tb-160	4 E-4			
Thallium (81)	Tl-200	4 E-3			
	Tl-201	3 E-3			
	Tl-202	1 E-3			
	Tl-204	1 E-3			
Thulium (69)	Tm-170	5 E-4			
	Tm-171	5 E-3			
Tin (50)	Sn-113	9 E-4			
	Sn-125	2 E-4			

(1) In expressing the concentrations in Section R313-19-70, the activity stated is that of the parent radionuclide and takes into account the radioactive decay products, because many radionuclides disintegrate into radionuclides which are also radioactive.

(2) For purposes of Subsection R313-19-13(2)(a) where there is involved a combination of radionuclides, the limit for the combination should be derived as follows: Determine for each radionuclide in the product the ratio between the radioactivity concentration present in the product and the exempt radioactivity concentration established in Section R313-19-70 for the specific radionuclide when not in combination. The sum of the ratios may not exceed one or unity.

(3) To convert microcuries (uCi) to SI units of kilobecquerels (kBq), multiply the above values by 37.

R313-19-71. Exempt Quantities of Radioactive Materials.

Refer to Subsection R313-19-13(2)(b)

TABLE	
RADIOACTIVE MATERIAL	MICROCURI ES
Antimony-122 (Sb-122)	100
Antimony-124 (Sb-124)	10
Antimony-125 (Sb-125)	10
Arsenic-73 (As-73)	100
Arsenic-74 (As-74)	10
Arsenic-76 (As-76)	10
Arsenic-77 (As-77)	100
Barium-131 (Ba-131)	10
Barium-133 (Ba-133)	10
Barium-140 (Ba-140)	10
Bismuth-210 (Bi-210)	1
Bromine-82 (Br-82)	10
Cadmium-109 (Cd-109)	10
Cadmium-115m (Cd-115m)	10
Cadmium-115 (Cd-115)	100
Calcium-45 (Ca-45)	10
Calcium-47 (Ca-47)	10
Carbon-14 (C-14)	100
Cerium-141 (Ce-141)	100
Cerium-143 (Ce-143)	100
Cerium-144 (Ce-144)	1
Cesium-129 (Cs-129)	100
Cesium-131 (Cs-131)	1,000
Cesium-134m (Cs-134m)	100
Cesium-134 (Cs-134)	1

Cesium-135 (Cs-135)	10	Palladium-103 (Pd-103)	100
Cesium-136 (Cs-136)	10	Palladium-109 (Pd-109)	100
Cesium-137 (Cs-137)	10	Phosphorus-32 (P-32)	10
Chlorine-36 (Cl-36)	10	Platinum-191 (Pt-191)	100
Chlorine-38 (Cl-38)	10	Platinum-193m (Pt-193m)	100
Chromium-51 (Cr-51)	1,000	Platinum-193 (Pt-193)	100
Cobalt-57 (Co-57)	100	Platinum-197m (Pt-197m)	100
Cobalt-58m (Co-58m)	10	Platinum-197 (Pt-197)	100
Cobalt-58 (Co-58)	10	Polonium-210 (Po-210)	0.1
Cobalt-60 (Co-60)	1	Potassium-42 (K-42)	10
Copper-64 (Cu-64)	100	Potassium-43 (K-43)	10
Dysprosium-165 (Dy-165)	10	Praseodymium-142 (Pr-142)	100
Dysprosium-166 (Dy-166)	100	Praseodymium-143 (Pr-143)	100
Erbium-169 (Er-169)	100	Promethium-147 (Pm-147)	10
Erbium-171 (Er-171)	100	Promethium-149 (Pm-149)	10
Europium-152 (Eu-152) 9.2h	100	Rhenium-186 (Re-186)	100
Europium-152 (Eu-152) 13 yr	1	Rhenium-188 (Re-188)	100
Europium-154 (Eu-154)	1	Rhodium-103m (Rh-103m)	100
Europium-155 (Eu-155)	10	Rhodium-105 (Rh-105)	100
Fluorine-18 (F-18)	1,000	Rubidium-81 (Rb-81)	10
Gadolinium-153 (Gd-153)	10	Rubidium-86 (Rb-86)	10
Gadolinium-159 (Gd-159)	100	Rubidium-87 (Rb-87)	10
Gallium-67 (Ga-67)	100	Ruthenium-97 (Ru-97)	100
Gallium-72 (Ga-72)	10	Ruthenium-103 (Ru-103)	10
Germanium-68 (Ge-68)	10	Ruthenium-105 (Ru-105)	10
Germanium-71 (Ge-71)	100	Ruthenium-106 (Ru-106)	1
Gold-195 (Au-195)	10	Samarium-151 (Sm-151)	10
Gold-198 (Au-198)	100	Samarium-153 (Sm-153)	100
Gold-199 (Au-199)	100	Scandium-46 (Sc-46)	10
Hafnium-181 (Hf-181)	10	Scandium-47 (Sc-47)	100
Holmium-166 (Ho-166)	100	Scandium-48 (Sc-48)	10
Hydrogen-3 (H-3)	1,000	Selenium-75 (Se-75)	10
Indium-111 (In-111)	100	Silicon-31 (Si-31)	100
Indium-113m (In-113m)	100	Silver-105 (Ag-105)	10
Indium-114m (In-114m)	10	Silver-110m (Ag-110m)	1
Indium-115m (In-115m)	100	Silver-111 (Ag-111)	100
Indium-115 (In-115)	10	Sodium-22 (Na-22)	10
Iodine-123 (I-123)	100	Sodium-24 (Na-24)	10
Iodine-125 (I-125)	1	Strontium-85 (Sr-85)	10
Iodine-126 (I-126)	1	Strontium-89 (Sr-89)	1
Iodine-129 (I-129)	0.1	Strontium-90 (Sr-90)	0.1
Iodine-131 (I-131)	1	Strontium-91 (Sr-91)	10
Iodine-132 (I-132)	10	Strontium-92 (Sr-92)	10
Iodine-133 (I-133)	1	Sulfur-35 (S-35)	100
Iodine-134 (I-134)	10	Tantalum-182 (Ta-182)	10
Iodine-135 (I-135)	10	Technetium-96 (Tc-96)	10
Iridium-192 (Ir-192)	10	Technetium-97m (Tc-97m)	100
Iridium-194 (Ir-194)	100	Technetium-97 (Tc-97)	100
Iron-52 (Fe-52)	10	Technetium-99m (Tc-99m)	100
Iron-55 (Fe-55)	100	Technetium-99 (Tc-99)	10
Iron-59 (Fe-59)	10	Tellurium-125m (Te-125m)	10
Krypton-85 (Kr-85)	100	Tellurium-127m (Te-127m)	10
Krypton-87 (Kr-87)	10	Tellurium-127 (Te-127)	100
Lanthanum-140 (La-140)	10	Tellurium-129m (Te-129m)	10
Lutetium-177 (Lu-177)	100	Tellurium-129 (Te-129)	100
Manganese-52 (Mn-52)	10	Tellurium-131m (Te-131m)	10
Manganese-54 (Mn-54)	10	Tellurium-132 (Te-132)	10
Manganese-56 (Mn-56)	10	Terbium-160 (Tb-160)	10
Mercury-197m (Hg-197m)	100	Thallium-200 (Tl-200)	100
Mercury-197 (Hg-197)	100	Thallium-201 (Tl-201)	100
Mercury-203 (Hg-203)	10	Thallium-202 (Tl-202)	100
Molybdenum-99 (Mo-99)	100	Thallium-204 (Tl-204)	10
Neodymium-147 (Nd-147)	100	Thulium-170 (Tm-170)	10
Neodymium-149 (Nd-149)	100	Thulium-171 (Tm-171)	10
Nickel-59 (Ni-59)	100	Tin-113 (Sn-113)	10
Nickel-63 (Ni-63)	10	Tin-125 (Sn-125)	10
Nickel-65 (Ni-65)	100	Tungsten-181 (W-181)	10
Niobium-93m (Nb-93m)	10	Tungsten-185 (W-185)	10
Niobium-95 (Nb-95)	10	Tungsten-187 (W-187)	100
Niobium-97 (Nb-97)	10	Vanadium-48 (V-48)	10
Osmium-185 (Os-185)	10	Xenon-131m (Xe-131m)	1,000
Osmium-191m (Os-191m)	100	Xenon-133 (Xe-133)	100
Osmium-191 (Os-191)	100	Xenon-135 (Xe-135)	100
Osmium-193 (Os-193)	100	Ytterbium-175 (Yb-175)	100

Yttrium-87 (Y-87)	10
Yttrium-88 (Y-88)	10
Yttrium-90 (Y-90)	10
Yttrium-91 (Y-91)	10
Yttrium-92 (Y-92)	100
Yttrium-93 (Y-93)	100
Zinc-65 (Zn-65)	10
Zinc-69m (Zn-69m)	100
Zinc-69 (Zn-69)	1,000
Zirconium-93 (Zr-93)	10
Zirconium-95 (Zr-95)	10
Zirconium-97 (Zr-97)	10
Any radioactive material not listed above other than alpha emitting radioactive material.	0.1

(1) To convert microcuries (uCi) to SI units of kilobecquerels (kBq), multiply the above values by 37.

R313-19-100. Transportation.

For purposes of Section R313-19-100, 10 CFR 71.4, 71.10, 71.12, 71.13(a) and (b) through 71.16, 71.47, 71.81, 71.85 through 71.89, 71.97 (1998), and Appendix A to part 71 are incorporated by reference with the following clarifications or exceptions:

- (1) The substitution of the following:
 - (a) "Issued by the Executive Secretary" for reference to "issued by the Commission" in 10 CFR 71.4;
 - (b) "Licensee" for reference to "licensee of the Commission";
 - (c) "Subsection R313-19-100(3)" for reference to "10 CFR 71.5";
 - (d) "Subsection R313-15-906(5)" for reference to "10 CFR 20.1906(e)";
 - (e) "Section R313-15-502" for reference to "10 CFR 20.1502"; and
 - (f) "Utah" for reference to "the United States" in 10 CFR 71.10(b)(3);
- (2) The exclusion of the following:
 - (a) "close reflection by water" and "optimum interspersed hydrogenous moderation" in 10 CFR 71.4;
 - (b) "10 CFR 71.12(b)", "10 CFR 71.14(b)", and "10 CFR 71.16(b)"; and
 - (c) "subpart H" in 10 CFR 71.12(c)(2), 71.14(c)(2), 71.16(d)(2), and 71.81;
- (3) Transportation of licensed material.
 - (a) Each licensee who transports licensed material outside the site of usage, as specified in the license, or where transport is on public highways, or who delivers licensed material to a carrier for transport, shall comply with the applicable requirements of the U.S. Department of Transportation (DOT) regulations in 49 CFR 170 through 189 (1998) appropriate to the mode of transport.
 - (i) The licensee shall particularly note DOT regulations in the following areas:
 - (A) Packaging--49 CFR 173.1 through 173.13, 173.21 through 173.40, and 173.401 through 173.476;
 - (B) Marking and labeling--49 CFR 172.300 through 172.338, 172.400 through 172.407, 172.436 through 172.440, and 172.400 through 172.450;
 - (C) Placarding--49 CFR 172.500 through 172.560 and Appendices B and C;
 - (D) Accident reporting--49 CFR 171.15 and 171.16;

- (E) Shipping papers and emergency information--49 CFR 172.200 through 172.205 and 172.600 through 172.606;
- (F) Hazardous material employee training--49 CFR 172.700 through 172.704; and
- (G) Hazardous material shipper/carrier registration--49 CFR 107.601 through 107.620.
 - (ii) The licensee shall also note DOT regulations pertaining to the following modes of transportation:
 - (A) Rail--49 CFR 174.1 through 174.86 and 174.700 through 174.750;
 - (B) Air--49 CFR 175;
 - (C) Vessel--49 CFR 176.1 through 176.99 and 176.700 through 176.715; and
 - (D) Public Highway--49 CFR 177 and 390 through 397.
 - (b) If DOT regulations are not applicable to a shipment of licensed material, the licensee shall conform to the standards and requirements of the DOT specified in paragraph (a) of this section to the same extent as if the shipment or transportation were subject to DOT regulations. A request for modification, waiver, or exemption from those requirements, and any notification referred to in those requirements, must be filed with, or made to, the Executive Secretary.

KEY: license, reciprocity, transportation, exemptions
[June 11, 1999]2001 **19-3-104**
Notice of Continuation May 1, 1997 **19-3-108**



Health; Epidemiology and Laboratory
 Services; HIV/AIDS, TB
 Control/Refugee Health
R388-804
 Special Measures for the Control of
 Tuberculosis

NOTICE OF PROPOSED RULE

(Amendment)
 DAR FILE NO.: 23303
 FILED: 11/07/2000, 16:31
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is being changed in order to update references cited and to incorporate the new ATS/CDC guidelines published in May 2000.

SUMMARY OF THE RULE OR CHANGE: The changes to the rule include updated reference material related to the diagnostic Criteria (Section R388-804-5) as well as Treatment and Control (Section R388-804-6). New reference material include: "Targeted Tuberculin Testing and Treatment of

Latent Tuberculosis Infection", American Journal of Respiratory and Critical Care Medicine, Vol 161. pp S221-S247, 2000; and "Diagnostic Standards and Classification of Tuberculosis", American Journal of Respiratory and Critical Care Medicine, Vol. 161. pp 1376-1395, 2000.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 26-1-30 and 26-6-3

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: "Diagnostic Standards and Classification of Tuberculosis", American Journal of Respiratory and Critical Care Medicine, Vol. 161, pp 1376 - 1395, 2000; and "Targeted Tuberculin Testing and Treatment of Latent Tuberculosis Infection", American Journal of Respiratory and Critical Care Medicine, Vol 161, pp S221-S247, 2000.

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: No fiscal impact. Recommendations contained in these documents reinforce Utah's current practices for the prevention and control of tuberculosis. For this reason, costs to the State budget will not change.
- ❖LOCAL GOVERNMENTS: No fiscal impact. Recommendations contained in these documents reinforce Utah's current practices for the prevention and control of tuberculosis. For this reason, costs to the local health departments and the Bureau will not change.
- ❖OTHER PERSONS: No fiscal impact. Recommendations contained in the new/updated reference materials reinforce Utah's current practices for the prevention and control of tuberculosis. For this reason, there will be no additional costs incurred by other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be no compliance costs as the changes apply to updating references. These references further support the information contained in the rule and do not call for a change in TB protocols.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This update of references cited in the rule will have no impact on regulated businesses. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Epidemiology and Laboratory Services;
HIV/AIDS, TB Control/Refugee Health
Cannon Health Building
288 North 1460 West
PO Box 142105
Salt Lake City, UT 84114-2105, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Teresa Garrett at the above address, by phone at (801) 538-6096, by FAX at (801) 538-9913, or by Internet E-mail at tgarrett@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/29/2000, 2:00 p.m., Room 114, Cannon Health Building, 288 North 1460 West, Salt Lake City.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

R388. Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health.

R388-804. Special Measures for the Control of Tuberculosis.

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R388-804-5. Diagnostic Criteria.

(1) The Department incorporates by reference the American Thoracic Society (ATS/CDC) diagnostic and classification standards as described in the segment entitled "Diagnostic Standards and Classification of Tuberculosis in Adults and Children," published in the [~~American Review of Respiratory Disease, Vol. 142, No. 3, pp. 725-735, September 1990~~]American Journal of Respiratory and Critical Care Medicine, Vol 161, pp. 1376-1395, 2000. In diagnosing tuberculosis, health care providers shall be expected to adhere to the standards listed in this document.

R388-804-6. Treatment and Control.

(1) The Department incorporates by reference the ATS/CDC treatment standards as described in the segment entitled "Treatment of Tuberculosis and Tuberculosis Infection in Adults and Children," as published in the American Journal of Respiratory and Critical Care Medicine, Vol 149, pp. 1359-1374, 1994 and "Targeted Tuberculin Testing and Treatment of Latent Tuberculosis Infection." American Journal of Respiratory and Critical Care Medicine, Vol. 161, pp. S221-S247, 2000. In treating tuberculosis, health care providers shall be expected to adhere to the standards listed in this document.

(2) A health-care provider who treats an individual with tuberculosis disease shall use the ATS/CDC treatment standards as a reference for the development of a comprehensive treatment and follow-up plan for each individual. The plan shall be developed in cooperation with the individual and approved by the local health department or the Program. Health-care providers shall routinely document an individuals' adherence to prescribed therapy for tuberculosis infection and disease. If isolation is indicated, the plan for isolation shall be approved by the local health department or the Program.

(3) A health-care provider who treats an individual with tuberculosis disease shall provide for directly observed therapy for individuals who do not adhere to self-administered therapy, have drug-resistant tuberculosis or have multi-drug resistant tuberculosis.

(4) Individuals with infectious tuberculosis disease shall wear a mask approved by the local health department or the Program when outside the isolation area.

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KEY: tuberculosis, screening, communicable disease
~~[November 24, 1999]~~2001
Notice of Continuation September 9, 1997

26-6-4
26-6-6
26-6-7
26-6-8
26-6-9
26-6b

COMPLIANCE COSTS FOR AFFECTED PERSONS: Box 7 identifies that General Hospitals which elect to convert to a CAH will increase revenues. No additional cost is expected.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Only those rural hospitals that will benefit from this option will convert to the Critical Care Access designation. This is a positive option that should strengthen hospital providers in rural areas of Utah. Rod L. Betit



Health, Health Systems Improvement,
Health Facility Licensure
R432-106
Specialty Hospital - Critical Access

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health
Health Systems Improvement,
Health Facility Licensure
Second Floor, Cannon Health Building
288 North 1460 West
PO Box 142003
Salt Lake City, UT 84114-2003, or
at the Division of Administrative Rules.

NOTICE OF PROPOSED RULE

(New)
DAR FILE NO.: 23292
FILED: 11/02/2000, 13:53
RECEIVED BY: NL

DIRECT QUESTIONS REGARDING THIS RULE TO:
Debra Wynkoop at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dwynkoop@doh.state.ut.us.

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule creates a Critical Access Hospital specialty category.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

SUMMARY OF THE RULE OR CHANGE: This rule creates a Critical Access Hospital (CAH) category, which is an optional program in accordance with the Medicare Rural Hospital Flexibility Program. Its intent is to allow rural communities to convert an existing general hospital to a CAH, but to preserve access to primary care and emergency health care services, provide health care service which meet the community needs, and help assure financial viability of program participants through improved reimbursement and different operating requirements.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21; and Sections 26-21-2.1 and 26-21-13.6

AUTHORIZED BY: Rod L. Betit, Executive Director

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: 42 U.S.C. 1395i-4(c)(2)(B)(1988), and Title 42, Volume 3, Parts 430 to End, 1999

R432. Health, Health Systems Improvement, Health Facility Licensure.

R432-106. Specialty Hospital - Critical Access.

R432-106-1. Legal Authority.

This rule is adopted pursuant to Title 26, Chapter 21.

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: \$100, to copy and distribute the rule. The cost can be absorbed in the current budget.
- ❖LOCAL GOVERNMENTS: Since this rule is optional, local governments who operate a general hospital should realize an increase in revenues, if they opt to convert to the CAH category.
- ❖OTHER PERSONS: This is an optional program. Following a community assessment, if the hospital chooses to convert to a CAH category, there will be no additional cost but an increase in revenue.

R432-106-2. Purpose.

The purpose of this rule is to promote the public health and welfare through establishment of a specialty hospital category for rural hospitals. Its intent is to allow rural communities to: preserve access to primary care and emergency health care services, provide health care services which meet community needs, and help assure the financial viability of program participants through improved reimbursement and different operating requirements. The rule sets standards for the operation of a Critical Access Hospital.(CAH). The standards of patient care apply to inpatient, outpatient, and satellite services.

R432-106-3. Definitions.

For purposes of this rule the definitions in R432-1-3 apply. In addition the following definitions apply:

(1) "Critical Care Access Hospital" means a nonprofit, profit or public hospital that meets the criteria set forth in 42 U.S.C. 1395i-4(c)(2)(B)(1988). Each CAH must comply with the conditions of participation set forth in the Code of Federal Regulations, Title 42, Volume 3, Parts 430 to End, 1999, which is adopted and incorporated by reference. The distance from another hospital may be waived if the facility meets any of the following sub-criteria and is designated as a necessary provider by the state.

(a) An area that meets federal criteria for designation as a Health Professional Shortage Area (HPSA).

(b) A county where the percentage of population age 65 or older exceeds the current state average.

(c) A county where the percentage of families with incomes less than 200% of federal poverty level is higher than the current state average.

(d) A county whose population density meets the "rural"(between 7 and 100 people per square mile) or the "frontier" (6 or fewer people per square mile) definition.

(e) A county where the unemployment rate is higher than that of the state.

(f) An area where, throughout the course of a year, has an increase in population due to the influx of migrant workers or tourists.

(g) Combined acute inpatient days for Medicare and Medicaid beneficiaries, and unreimbursed care patients account for at least 50% of the hospital's total acute inpatient days in the last full year for which data was available.

(2) "Referral Hospital" means a hospital that has sufficient resources to receive emergency or non-emergency patient transfers and referrals from a CAH. Sufficient resources include at least three full-time physicians on staff and licensure as a general hospital.

R432-106-4. Licensure.

A license is required as identified in section R432-2.

R432-106-5. Construction, Facilities, and Equipment Standards.

(1) Each rural hospital, licensed prior to July 1, 2000, which elects to convert to a CAH, may maintain the physical plant which is currently licensed, without having to meet the current construction or building code for a general acute care hospital.

(2) New hospitals constructed as a CAH, or when a CAH is re-modeled, shall be constructed and maintained in accordance with R432-4-1 through R432-4-24.

R432-106-6. Critical Access Hospital Swing-Bed Units.

The CAH participating in the swing-bed program may maintain up to 10 swing-beds for care at one time. In addition to R432-106, designated hospital swing beds shall comply with the following sections of R432-150, Nursing Care Facility Rules:

- (1) R432-150-4, Definitions.
- (2) R432-150-12, Resident Rights.
- (3) R432-150-13, Resident Assessment.
- (4) R432-150-14, Restraint Policy.
- (5) R432-150-15, Quality of Care.
- (6) R432-150-17, Social Services.
- (7) R432-150-20, Recreation Therapy.

R432-100-7. Hospital Rules.

The following sections of R432-100, General Hospital Rules, are adopted and incorporated by reference.

(1) A CAH shall comply with the following:

(a) R432-100-5, Governing Body.

(b) R432-100-6, Administrator.

(c) R432-100-7, Medical and Professional Staff.

Credentialing of medical and professional staff may be performed by a network hospital or a Department approved equivalent.

(d) R432-100-8, Personnel Management Services.

(e) R432-100-9, Quality Improvement Plans.

Quality improvement may be performed by a network hospital or a Department approved equivalent.

(f) R432-100-10, Infection Control.

(g) R432-100-11, Patient Rights.

(h) R432-100-12, Nursing Services.

A qualified registered nurse is not required to be on duty on a 24-hour basis, but shall be on duty if one acute care patient is admitted.

(i) R432-100-16, Emergency Services.

The hospital must make available 24-hour emergency care services, seven days a week, regardless of inpatient census. The CAH shall ensure at least one physician is on call at all times. The 30 minute response requirement is amended to 60 minutes if the CAH qualifies under Section 485.618 (d) (2) of the Federal Conditions of Participation.

(j) R432-100-21, Radiology Services.

Radiology services may be provided off-site through a network hospital or through other arrangements approved by the Department.

(k) R432-100-22, Laboratory and Pathology Services.

(l) R432-100-24, Pharmacy Services.

(m) R432-100-29, Respite Services.

(n) R432-100-31, Dietary Services.

(o) R432-100-33, Medical Records.

(p) R432-100-36, Housekeeping Services.

(q) R432-100-37, Maintenance Services.

(r) R432-100-38, Emergency and Disaster Plans.

(2) If the CAH provides the following clinical or ancillary services then the following shall apply:

(a) R432-100-14, Surgical Services.

(b) R432-100-15, Anesthesia Services.

(c) R432-100-17, Perinatal Services.

(d) R432-100-19, Respiratory Services.

(e) R432-100-23, Blood Services.

(f) R432-100-32, Telemedicine Services.

(g) R432-100-34, Central Supply.

(h) R432-100-35, Laundry Services.

R432-106-8. Rural Health Network.

(1) The participating CAH shall be a member of a rural health network, as evidenced by a signed, written agreement with at least one Referral Hospital that is a member of the network.

(2) The agreement shall address the following:

(a) Patient referral and transfer;

(b) The development and use of communications system; and

(c) Emergency and non-emergency transportation.

R432-106-9. Conversion to a General Hospital.

Within 18 months of conversion to the specialty CAH, a hospital may submit a Request for Agency Action to convert to a General Hospital category without being required to meet the current R432-104, General Construction standards.

R432-106-10. Penalty.

Any person who violates any provision of this rule may be subject to the penalties enumerated in 26-21-11 and R432-3-6 and be punished for violation of a class A misdemeanor as provided in Section 26-21-16.

KEY: health facilities

2001

26-21-5
26-21-2.1
26-21-13.6



Human Services, Administration,
Administrative Services, Licensing

R501-8

**VII. Section C: Categorical:
Standards**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23322

FILED: 11/15/2000, 12:48

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Reorganization of the structure of the rule to be more consistent with other rules of the office. Title was changed from Categorical Standards to Outdoor Youth. Also corrections were made to Utah Code references as suggested by the Department of Administrative Rules (DAR).

SUMMARY OF THE RULE OR CHANGE: Changes have been made in the structure of the rule to make it more consistent with other rules of the Office. There are no substantive changes in the rule except for Utah Code reference changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There should be minimal impact to the State budget. There will be copy costs and mailing costs to inform Outdoor Youth programs of the changes.

❖LOCAL GOVERNMENTS: There are no costs or savings to local government as this rule does not apply to local government.

❖OTHER PERSONS: There are no costs involved for other persons. Other persons affected by this rule change are Outdoor Youth programs. The changes are in reorganization

and Utah Code reference changes. The purpose and intent of the rule have not changed.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change does not require any additional costs for Outdoor Youth programs. The reorganization of the rule and changes to Utah Code references does not change the purpose or intent of the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No anticipated costs have been identified in relation to this rule change. The rule has been reorganized and Utah Code references have been corrected.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsadm2.gsedgwic@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-8. [~~VII. Section C: Categorical Standards:~~Outdoor Youth Programs.

R501-8-1. Outdoor Youth Programs.

~~[A. Definitions~~

~~1. Pursuant to 62A-2-101, "Outdoor youth program" means a nonresidential program which is designed to provide behavioral, substance abuse, or mental health services to minors and:~~

- ~~a. serves either adjudicated or non-adjudicated youth;~~
- ~~b. charges a fee for services;~~
- ~~c. may or may not provide host homes or other arrangements for overnight accommodations of youth;~~
- ~~d. may or may not provide all or part of its services in the outdoors;~~
- ~~e. may or may not limit or censor access to parents or guardians;~~
- ~~f. prohibits or restricts a minor's ability to leave the program at any time of his own free will; and~~
- ~~g. does not apply to recreational programs such as Boy Scouts, Girls Scouts, 4-H and other such organizations.~~

— 2. "Consumer" means the minor being provided the service by the program, not the parent or contracting agent that has enrolled the minor in the program.

— 3. "Escort" means transportation of youth consumers from their home to the program or from the program back to their home or other pre-determined destination by paid adult chaperones.

— B. Purpose

— The program is designed to provide services to adjudicated or non-adjudicated minors that may be experiencing behavioral, substance abuse or mental health problems, in accordance with 62A-2-101, 116. Programs designed to provide rehabilitation services to adjudicated minors shall adhere to these rules as established by the Division of Youth Corrections, in accordance with 62A-7-104-11.]The Office of Licensing in the Department of Human Services, shall license outdoor youth programs according to standards and procedures established by this rule.

R501-8-2. Authority and Purpose.

Pursuant to 62A-2-101 et seq., the purpose of this rule is to define standards and procedures by which the Office of Licensing shall license outdoor youth programs. Programs designed to provide rehabilitation services to adjudicated minors shall adhere to these rules as established by the Division of Youth Corrections, in accordance with 62A-7-104-11.

R501-8-3. Definitions.

A. Pursuant to 62A-2-101(20), "outdoor youth program" means a non-residential program which is designed to provide behavioral, substance abuse, or mental health services to minors and:

1. Serves either adjudicated or non-adjudicated youth;
2. Charges a fee for services;
3. May or may not provide host homes or other arrangements for overnight accommodations of youth;
4. May or may not limit or censor access to parents or guardians;
5. Prohibits or restricts a minor's ability to leave the program at any time of his own free will; and
6. Does not apply to recreational programs such as Boy Scouts, Girl Scouts, 4-H and other such organizations.

B. "Consumer" means the minor being provided the service by the program, not the parent or contracting agent that has enrolled the minor in the program.

C. "Escort" means transportation of youth consumers from their home to the program or from the program back to their home or other pre-determined destination by paid adult chaperones.

R501-8-4. Administration.

[C. Administration]A. In addition to the following standards and procedures, all outdoor youth programs shall comply with R501-2, Core Standards.

[1.]B. Records of enrollment of all consumers shall be on file at the field office at all times.

[2.]C. Information provided to parents, community, and media shall be accurate and factual.

[3.]D. Programs shall provide an educational component as determined by the Utah State Board of Education for consumers [to age 18] up to 18 years of age who have been removed from their educational opportunities for more than one month. The

administrators of the program shall meet and cooperate with the local Board of Education.

[4.]E. Programs which advertise as providing educational credit to consumers shall be approved by the Utah State Board of Education.

[5.]E. The program shall have written procedures for handling any suspected incident of child abuse or Department of Human Services, hereinafter referred to as DHS, Provider Code of Conduct violation, including the following:

[a.]1. a procedure for ensuring that the staff member involved does not work directly with the youth involved or any other youth in the program until the investigation is completed or formal charges filed and adjudicated,

[b.]2. a procedure for ensuring that a director or member of the governing body involved in or suspected of abuse shall be relieved of their responsibility and authority over the policies and activities of the program, or any other youth program, as well as meet the sanctions as described in [a.]1. above, until the investigation is completed or formal charges are filed and adjudicated, and

[c.]3. a procedure for disciplining any staff member or director involved in an incident of child abuse or DHS Provider Code of Conduct violation, including termination of employment if found guilty of felony child abuse, or loss of position, including directorship if found guilty of misdemeanor child abuse.

[6.]G. If any director or [management] person in a management position is involved in or suspected of child abuse or neglect, the program shall submit to an extensive review by [human services]DHS or law enforcement officials to determine or establish the continued safe operation or possible termination of the program. The licensing review shall be completed within 72 hours.

[7.]H. Failure to implement and comply with [a, b, c, and 6]1., 2., 3., and G. above will be grounds for immediate suspension or revocation of program license.

[8.]I. Until charges of abuse, neglect or licensing violations are resolved, no license shall be issued to any program with owners, silent owners, or any staff management personnel that were prior owners or staff management personnel in a program against which the above charges were alleged.

[9.]J. If charges result in a criminal conviction or civil or administrative findings that allegations were true, no license shall be issued to any program with owners, silent owners, or staff management personnel from the prior program.

R501-8-5. Program Requirements.

[D. Program Requirements

— 1.]A. Programs that operate in Utah and one or more other states shall meet the requirements for licensure as established for each of the states.

[2.]B. There shall be a written plan for expedition groups, approved by the program governing body, which shall not expose consumers to unreasonable risks.

[3.]C. The program shall inventory all consumer personal items and shall return all inventoried items, except contraband, to the consumer following program completion. The consumer shall sign the inventory list at the time of inventory and again when items are returned.

[4.]D. The Office of Licensing shall review and approve the program's training plan governing consequences for consumer conduct.

[5-]E. Each consumer shall have clothing and equipment to protect the consumer from the environment. This equipment shall never be removed, denied, or made unavailable to a consumer. If a consumer refuses or is unable to carry all of his or her equipment, the group shall cease hiking, and reasons for refusal or inability to continue will be established and resolved before hiking continues. Program directors are responsible to train staff regarding this standard and to regularly monitor compliance. There shall never be a deprivation of any equipment as a consequence. Such equipment shall include the following:

[a-]1. sunscreen; the program staff shall ensure appropriate consumer usage[-];

[b-]2. insect repellent;

[c-]3. frame or no frame backpack when weight to be carried by each consumer exceeds 20 percent of the consumer's body weight. Consumer shall not be required to carry a load of more than 30 percent of his body weight[-];

[d-]4. personal hygiene items;

[e-]5. female hygiene supplies;

[f-]6. wool blankets and tarp or poncho for summer months when the average nighttime temperature is 40 degrees F. or above;

[g-]7. sleeping bags, shelter and ground pad for winter months when the average nighttime temperature is 39 degrees F. or lower, and

[h-]8. basic clothing list to ensure consumer protection against seasonal change in the environment.

[6-]E. The program shall provide consumers with clean clothing at least weekly and shall provide a means for consumers to [bath]bathe or otherwise clean their bodies a minimum of twice weekly. Female consumers shall be issued baby wipes or similar products for hygiene purposes.

[7-]G. Hiking shall not exceed the physical capability of the weakest member of the group. Hiking shall be prohibited at temperatures above 95 degrees F. or minus 10 degrees F. including wind chill factor. If a consumer cannot or will not hike, the group shall not continue.

[8-]H. Map routes, including anticipated schedules and times shall be carried by the field staff.

[9-]I. Field staff shall maintain a common, signed, daily log or dictate a recorded log to be transcribed and signed immediately following termination of the activity.

[a-]1. ~~Log~~1. The log shall contain the following information; accidents, injuries, medications, behavioral problems, and all unusual occurrences.

[b-]2. All log entries shall be recorded in permanent ink.

[c-]3. These logs shall be available to state staff.

[10-]J. Incoming and outgoing mail to parents, guardians, and attorneys shall not be restricted but shall be delivered in as prompt a manner as the location and circumstances dictate.

[11-]K. Outgoing mail to parents, guardians, or attorneys shall not be read or censored.

[12-]L. Incoming mail from parents or guardians shall not be read or censored without written permission from a parent or guardian.

[13-]M. All other mail may be restricted only by parental request in writing.

[14-]N. All incoming mail may be required to be opened in the presence of staff. Contraband shall be confiscated.

[15-]O. All local, state, and federal regulations and professional licensing requirements shall be met.

R501-8-6. Staff, Interns, and Volunteers.

~~[E. Staff, Interns and Volunteers]~~

~~— I. Staff~~

~~— a.)A. All staff, interns, and volunteers shall meet the provisions of R501-14 and R501-18.~~

B. Each program shall have a governing body and an executive director who shall have responsibility and authority over the policies and activities of the program. and shall coordinate office and support services, training, etc.. The executive director shall have, at a minimum, the following qualifications:

[1-]1. be at least 25 years of age,

[2-]2. have a BA or BS degree or equal training and experience in a related field,

[3-] ~~meet Department policy regarding criminal history by completing CBS, criminal background screening, requirements pursuant to 62A-4a-413;~~

~~— 4-]3. have a minimum of two years of outdoor program administrative experience,~~

[5-]4. have a minimum of 30 semester or 45 quarter hours education in recreational therapy or related experience or one year Outdoor Youth Program field experience,

[6-]5. demonstrate complete knowledge and understanding of ~~[Core and Categorical Licensing Standards]~~relevant licensing rules, and

[7-]6. have completed an initial staff training and field course, ~~[see G. Staff Training.]~~see R501-8-8.

b.)C. Each program shall have a program or field director who coordinates field operations, manages the field staff, and operates the field office. The program or field director shall meet, at a minimum, the following qualifications:

[1-]1. be at least 25 years of age,

[2-]2. have a BA or BS degree or equal training and experience in a related field,

[3-] ~~meet Department policy regarding criminal history by completing CBS requirements pursuant to 62A-4a-413;~~

~~— 4-]3. have minimum of two years of outdoor program administrative experience,~~

[5-]4. have a minimum of 30 semester or 45 quarter hours education in recreational therapy or related field, or one year Outdoor Youth Program field experience,

[6-]5. demonstrate complete knowledge and understanding of ~~[Core and Categorical Licensing Standards.]~~relevant licensing rules,

[7-]6. have primary responsibility for field activities and visit in the field a minimum of twice weekly,

[8-]7. prepare reports of each visit, document conditions of consumers, document interactions of consumers and staff, and ensure compliance with ~~[standards;]~~rules.

[9-]8. be trained and certified annually in CPR and ~~[Standard First Aid;]~~standard first aid, and

[10-]9. have completed an initial staff training and field course, ~~[see G.]~~see R501-8-8.

c.)D. Each program shall have field support staff responsible for delivery of supplies to the field, mail delivery, communications, and first aid support. The field support staff shall meet, at a minimum, the following qualifications:

~~The field support staff shall:~~

[1]1. be at least 21 years of age,

~~[2]2. meet Department policy regarding criminal history by completing CBS requirements pursuant to 62A-4a-413;~~

~~[3]3. have a high school diploma or equivalency,~~

[4]4. be trained and certified annually in CPR and [Standard First Aid;]standard first aid, and

[5]5. have completed an initial staff training and field course, [see G.]see R501-8-8.

[6]6. Each program shall have senior field staff working directly with the consumer who shall meet, at a minimum, the following qualifications:

[1]1. be at least 21 years of age,

[2]2. have an associate degree or high school diploma with 30 semester or 45 quarter hours education and training or comparable experience and training in a related field,

~~[3]3. meet Department policy regarding criminal history by completing CBS requirements pursuant to 62A-4a-413;~~

~~[4]4. have six months program field experience or comparable experience which shall be documented in the individual's personnel file,~~

[5]5. be trained and certified annually in CPR and [Standard First Aid;]standard first aid,

[6]6. have completed an initial staff training and field course, [see G.;]see R501-8-8, and

[7]7. be with groups at all times.

[8]8. Each field staff shall meet, at a minimum, the following qualifications:

[1]1. be a minimum of 19 years of age,

~~[have a high school diploma or equivalency,~~

~~[2]2. have a high school diploma or equivalency,~~

[3]3. have three months field experience or comparable experience which shall be documented in the individual's personnel file,

[4]4. exhibit leadership skill,

~~[5]5. meet Department policy regarding criminal history by completing CBS requirements, pursuant to 62A-4a-413;~~

~~[6]6. be trained and certified annually in CPR and [Standard First Aid;]standard first aid, and~~

[7]7. have completed an initial staff training and field course [see G.], see R501-8-8.

[8]8. Each program shall have assistant field staff to meet the required consumer ~~[staff ratio;] to staff ratio. Assistant field staff shall meet, at a minimum, the following qualifications:~~

[1]1. be a minimum of 19 years of age,

[2]2. have a high school diploma or equivalency,

[3]3. have two months field experience,

[4]4. exhibit leadership skill,

~~[5]5. meet department policy regarding criminal history by completing CBS requirements, pursuant to 62A-4a-413;~~

~~[6]6. be trained and certified annually in CPR and [Standard First Aid;]standard first aid, and~~

[7]7. have completed an initial staff training and field course, see R501-8-8.

[8]8. Each program shall have a multi-disciplinary team, accessible to consumers which shall include, at a minimum, the following:

[1]1. a licensed physician or consulting licensed physician,

[2]2. a treatment professional who may be one of the following:

[a]a. a licensed psychologist or consulting licensed psychologist,

[b]b. a certified or licensed clinical social worker,

[c]c. a licensed recreation therapist,

[d]d. a licensed marriage and family counselor,

[e]e. a licensed school counselor, or

[f]f. an educator certified in related curriculum.

[3]3. All clinical and therapeutic personnel shall be licensed or certified by the State of Utah.

~~[4]4. All members of the multi-disciplinary team shall meet Department policy regarding criminal history by completing CBS requirements, pursuant to 62A-4a-413.~~

~~[5]5. Each program may have program and clinical interns who are learning the program practices while completing educational requirements.~~

[1]1. Interns shall be a minimum of 18 years old.

~~[2]2. Interns shall meet Department policy regarding criminal history by completing CBS requirements, pursuant to 62A-4a-413.~~

~~[3]3. Initial training program shall be completed by all incoming staff including interns regardless of background experience, except for contract labor, [see G.]see R501-8-8.~~

[4]4. Internships shall be a minimum of 21 field days, following any initial training program, [see G.]see R501-8-8.

[5]5. Clinical interns pursuing licensure shall be under the supervision of a licensed therapist.

[6]6. Program interns shall be supervised by program staff.

[7]7. Field interns shall not supervise consumers at any time.

[8]8. Each program may have program volunteers.

[1]1. Volunteers shall be under direct, constant supervision of program staff.

[2]2. Volunteers shall not be left in the role of supervising consumers at any time.

[3]3. Volunteers shall be at least 18 years of age and meet program guidelines.

~~[4]4. Volunteers shall meet Department policy regarding criminal history by completing CBS requirements, pursuant to 62A-4a-413.]~~

R501-8-7. Staff to Consumer Ratio.

~~[F. Staff to Consumer Ratio~~

~~[1]1. Each youth group shall be supervised by at least two staff members at all times.~~

[2]2. In a mixed gender group, there shall be at least one female staff and one male staff.

[3]3. Expedition group size, including staff members, cannot exceed fifteen people with a minimum of a one to four staff to consumer ratio.

[4]4. Volunteers shall be counted as a consumer in figuring staff to consumer ratios.

[5]5. Expedition group size shall not exceed the number specified by federal, state, or local agencies in whose jurisdiction the program is operated.

R501-8-8. Staff Training.

~~[G. Staff Training~~

~~[1]1. The program shall provide a means for an initial staff training consisting of a seven day academic curriculum, which~~

includes a four day practicum or field training. Training must be completed before any supervision of consumers occurs. The program shall verify that the trainee has Red Cross or comparable certification in ~~[standards]~~standard first aid and CPR.

~~[2-]B.~~ The program shall also provide a field course consisting of a minimum of 21 days.

~~[3-]C.~~ The initial staff training and field course training shall include instruction in the following topics:

~~[a-]1.~~ counseling, teaching and supervisory skills,

~~[b-]2.~~ water, food, and shelter procurement, preparation and conservation,

~~[c-]3.~~ low impact wilderness expedition and environmental conservation skills and procedures,

~~[d-]4.~~ consumer management~~[;]~~, including containment, control, safety, conflict resolution, and behavior management,

~~[e-]5.~~ instruction in safety procedures and safe equipment use; fuel, fire, life protection, and related tools,

~~[f-]6.~~ instruction in emergency procedures; medical, evacuation, weather, signaling, fire, runaway and lost consumers,

~~[g-]7.~~ sanitation procedures; water, waste, food, etc.,

~~[h-]8.~~ specialty instruction as required,

~~[i-]9.~~ CPR, standard first aid, and wilderness medicine~~[—AH]~~; all outdoor youth program staff must be recertified annually in CPR and ~~[Standard First Aid-]~~standard first aid.

~~[j-]10.~~ navigation skills, including~~[;]~~ map and compass use and contour and celestial navigation,

~~[k-]11.~~ local environmental precautions, including terrain, weather, insects, poisonous plants, response to adverse situations and emergency evacuation,

~~[l-]12.~~ leadership and judgment,

~~[m-]13.~~ report writing~~[;]~~, including development and maintenance of logs and journals, and

~~[n-]14.~~ Federal, state, and local regulations~~[;]~~, including Department of Human Services, Bureau of Land Management, United States Forest Service, National Parks Service, Utah State Department of Fish and Game,

R501-8-9. Staff Health Requirements.

~~[H- Staff Health Requirements~~

~~— Prior to engaging in any field activities:~~

~~—]Prior to engaging in any field activity, all staff shall adhere to the following:~~

~~[+]A.~~ All field staff, interns, and volunteers shall have an annual physical examination and health history signed by a licensed medical professional. A recognized physical stress assessment shall be completed as part of the physical examination.

~~[2-]B.~~ Physical examinations shall be reviewed and maintained by the provider in the staff personnel file.

~~[3-]C.~~ All program staff, interns, and volunteers shall agree to submit to drug and alcohol screening as provided for by federal and state law.

R501-8-10. Consumer Admission Requirements.

~~[I- Consumer Admission Requirements~~

~~[+]A.~~ Consumers shall be at least 13 years of age and no older than 18 years of age and have a current health history which includes notation of limitations and prescriptive medications, completed and submitted within 30 days prior to entrance into the field program and verified by a parent or legal guardian.

~~[2-]B.~~ Admissions screening shall be supervised by a treatment professional before consumer entrance into the field program and shall include the following:

~~[a-]1.~~ a review of consumer social and psychological history with the parent or legal guardian prior to enrollment,

~~[b-]2.~~ an interview with the consumer prior to entrance into the field program, and

~~[c-]3.~~ a review of consumer's health history and physical examination prior to entrance into the field program,

~~[3-]C.~~ Consumer shall have a physical examination within 30 days prior to entrance to field program. Documentation of the examination, on a form provided by the program and signed by a licensed medical professional, shall be submitted to the program within 30 days prior to entrance to field program.

~~[4-]D.~~ A physical examination form shall be provided to the licensed medical professional by the program and the form shall clearly state a description of the physical demands and environment of the program, and require the following information:

~~[a-]1.~~ urinalysis drug screen,

~~[b-]2.~~ CBC, blood count,

~~[c-]3.~~ urinalysis for possible infections,

~~[d-]4.~~ SMA-6, Electrolyte screen,

~~[e-]5.~~ pregnancy test for all female consumers,

~~[f-]6.~~ physical stress assessment based on climate, temperature, age, weight, and sex, and

~~[g-]7.~~ determination by the physician if detoxification is indicated for consumer prior to entrance into field program.

~~[5-]E.~~ Copies of ~~[consumers]~~consumer's medical forms shall be maintained at the field office and another copy carried by staff members in a waterproof container throughout the course.

~~[6-]E.~~ Prior to placement in the program, psychological evaluations are recommended for consumers who have a history of chronic psychological disorders.

~~[7-]G.~~ Academic evaluations shall be completed on consumers enrolled in programs that provide academic credits.

~~[8-]H.~~ Upon admission, the consumer shall be given a period of no ~~[less]~~fewer than three days to become acclimated to the environment. During this time the consumer shall be monitored by staff for any health problems that may be a result of climate change.

R501-8-11. Water and Nutritional Requirements.

~~[J- Water and Nutritional Requirements~~

~~[+]A.~~ Six quarts of potable water shall be available per person, per day, minimum, plus one additional quart per person for each five miles hiked. Although it is not required that the entire amount be hand carried, access to water shall be available at all times during hiking.

~~[2-]B.~~ In temperatures above 90 degrees F., staff shall make sure consumer intake is a minimum of three quarts of water per day, electrolyte replacement shall be available with the expeditionary group at all times.

~~[3-]C.~~ In temperatures above 80 degrees F., water shall be available for coating consumer's body for the purpose of cooling as needed.

~~[4-]D.~~ Each water cache shall be placed prior to the day the group leaves camp. Water cache location information shall be verified with field staff before the group leaves camp each day.

[5-]E. Expedition group shall not depend on aerial drops for water supply. Aerial water drops shall be used for emergency situations only.

[6-]E. All water from natural sources shall be treated for sanitation to eliminate health hazards.

[7-]G. Each program shall have a written menu describing food supplied to the consumer which shall provide a minimum of 3000 calories per day. There must be fresh fruit and vegetables at least twice a week. Food shall never be withheld from a consumer for any reason. If a consumer refuses to carry food, the group will stop. Food may not be withheld as a punishment. If no fire is available, other food of equal caloric value which does not require cooking shall be available.

[a-]L. The menu shall adjust to provide 30-100 percent increase in minimum dietary needs as energy expenditure such as exercise increases, or climate conditions such as cold weather dictate.

[b-]2. Food shall be from a balance of the food groups.

[c-]3. Forage items shall not be used toward the determination of caloric intake.

[d-]4. There shall be no program fasting for more than 24 hours per expeditionary cycle. Multiple vitamin supplements shall be provided daily.

R501-8-12. Health Care.

~~[K- Health Care~~

— 1-]A. First aid treatment shall be provided in as prompt a manner as the location and circumstances will allow. This includes first aid for injury, illness, and venomous bites.

[2-]B. A consumer with an illness or physical complaint beyond standard first aid treatment shall be immediately transported to the appropriate medical [~~profession~~]professional or facility. Complaints and responses shall be documented in the daily log and treatment notes. Each consumer shall be assessed every 21 days for his physical condition by a qualified professional such as an EMT. Blood pressure, heart rate, allergies, and general physical condition will be checked and documented. Any concerns will be documented, and the consumer will be taken to the appropriate medical professional for treatment. Medical treatment shall be provided by medical personnel and medication provided as needed. There shall be no consequences to a consumer for requesting to see a health care professional or for anything said to a health care professional.

[3-]C. All prescriptive and over the counter medications shall be kept in the possession of designated staff and provided to consumers to be used as prescribed.

[4-]D. Prescriptive medication shall be [~~given according to authorization and direction of a physician~~]administered as prescribed by a qualified medical practitioner who is licensed according to the Medical Practices Act. Staff shall be responsible for the following:

[Staff shall be responsible to;

— a-]1. supervise self-medication,

[b-]2. record medication, including time and dosage, and

[c-]3. record effects of medication, if any.

R501-8-13. Safety.

~~[L- Safety~~

— 1-]A. First aid kits shall include sufficient supplies for the activity, location, and environment and shall be available during all field activities. Emergency evacuation equipment shall be on standby.

[2-]B. Program shall have a support system that meets the following criteria:

[a-]1. Reliable daily two-way radio communications with additional charged battery packs, and a backup system of verbal contact in the event the radio system fails.

[b-]2. The support vehicle and base camp shall be equipped with first aid equipment.

[c-]3. The support personnel shall have access to all contacts, i.e., telephone numbers, locations, contact personnel, and procedures for an emergency evacuation or field incident.

[d-]4. Periods between contacts made by the support staff and field staff shall not exceed 24 hours unless special arrangements are made. Radio contact shall be available from field staff to base camp on a continuous basis.

R501-8-14. Base Camp or Field Office.

~~[M- Base Camp or Field Office~~

— 1-]A. Each program shall maintain a base camp or field office.

[2-]B. Base camp or field office shall be staffed and monitored 24 hours a day during program activities.

[3-]C. Base camp or field office staff shall adhere to the following:

[a-]1. maintain current staff and consumer files which include demographics, eligibility criteria, and medical forms as a minimum[-];

[b-]2. maintain a current list of names of staff and consumers in each field group,

[c-]3. maintain a master map of all activity areas,

[d-]4. maintain copies of each expeditionary route with [it's]its schedule and itinerary, of which copies shall be sent to the Office of Licensing and local law enforcement, as requested by these agencies[-];

[e-]5. maintain a log of communications,

[f-]6. be responsible for training and orientation, management of field personnel, related files, and records,

[g-]7. be responsible for maintaining communications, equipment inspection, and overseeing medical incidents, and

[h-]8. provide all information as requested for review by state staff.

R501-8-15. Environmental Requirements.

~~[N- Environmental Requirements~~

— 1-]A. All programs shall adhere to land use agencies requirements relative to sanitation and low impact camping.

[2-]B. Consumers shall be instructed daily in the observance of low-impact camping requirements.

[3-]C. Personal hygiene supplies shall be of biodegradable materials.

R501-8-16. Emergencies.

~~[O- Emergency~~

— 1-]A. Each program shall have a written plan or action for disaster and casualties to include the following:

[a-]1. designation of authority and staff assignments,

[b:]2. plan for evacuation,
 [c:]3. transportation and relocation of consumers when necessary, and
 [d:]4. supervision of consumers after evacuation or relocation.
 [2:]B. The program shall have a written plan which personnel follow in medical emergencies and arrangements for medical care, including notification of consumer's physician and nearest relative or guardian.

R501-8-17. Infectious Disease Control.

~~[P. Infectious Disease Control~~
 —]The program shall have policies and procedures designed to prevent or eliminate infectious and communicable diseases in the field.

R501-8-18. Escort Policies and Procedures.

~~[Q. Escort Policies and Procedures~~
 —]There shall be no escort services operated by an outdoor youth program.

R501-19. Transportation.

~~[R. Transportation~~
 —]1.]A. There shall be written policy and procedures for transporting consumers.
 [2:]B. There shall be a means of transportation in case of emergency.
 [3:]C. Drivers of vehicles shall have a valid drivers license and follow safety requirements of the State.
 [4:]D. Each vehicle shall be equipped with ~~[a first aid kit, as recommended by the American Red Cross.]an adequately supplied first aid kit.~~
 [5:]E. When transporting any consumer for any reason, there shall be two staff present at all times, one of which shall be of the same sex as the consumer, except in emergencies.
 [6:]F. Staff shall adhere to local, state, and federal laws concerning the operation of motor vehicles.
 [7:]G. Staff and consumers shall wear seat belts at all times while the vehicle is moving.

R501-8-20. Evacuation.

~~[S. Evaluation~~
 —]1.]A. Following the wilderness experience, each consumer shall receive a debriefing to include a written summary of the ~~[consumers]consumer's~~ participation and the progress they achieved.
 [2:]B. Parents, consumers, and other involved individuals shall be provided the opportunity and encouraged to submit a written evaluation of the wilderness experience, which shall be retained by the program for a period of two years.

R501-8-21. Non-Compliance With Rules.

~~[T. Non-Compliance with Rules~~
 —]Due to the difficulty of monitoring outdoor programs and the inherent dangers of the wilderness, a single violation of the foregoing life and safety ~~[standards]rules~~ may result in immediate revocation of license and removal of consumers from programs pursuant to General Provisions as found in R501-1.

KEY: licensing, human services, youth
~~February 3, 1997~~2001 62A-2-101~~[15]~~ et seq.
Notice of Continuation August 5, 1997



Human Services, Administration,
 Administrative Services, Licensing
R501-17
 Adult Foster Care Standards

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23323

FILED: 11/15/2000, 12:48

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Reorganization of the structure of the rule to be more consistent with other rules of the office. Also corrections were made to Utah Code references as suggested by the Division of Administrative Rules (DAR).

SUMMARY OF THE RULE OR CHANGE: Changes have been made in the structure of the rule to make it more consistent with other rules of the Office. There are no substantive changes in the rule except for Utah Code reference changes.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 62A-2-101 through 62A-2-121

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: There should be minimal impact to State budget. There will be copy costs and mailing costs to inform Adult Foster Care providers of the changes.
 - ❖LOCAL GOVERNMENTS: There are no costs or savings to local government as this rule does not apply to local government.
 - ❖OTHER PERSONS: There are no costs involved for other persons. Other persons affected by this rule change are Adult Foster Care providers. The changes are in reorganization and Utah Code reference changes. The purpose and intent of the rule have not changed.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule change does not require any additional costs for Adult Foster Care providers. The reorganization of the rule and changes to Utah Code references does not change the purpose of intent of the rule.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No anticipated costs have been identified in relation to this rule change. The rule has been reorganized and Utah Code references have been corrected.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Sedgwick at the above address, by phone at (801) 538-4242, by FAX at (801) 538-4553, or by Internet E-mail at hsadm2.gsedgwic@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.

R501-17. Adult Foster Care[Standards].

R501-17-1. [Definition]Authority and Purpose.

[Adult Foster Care means the provision of care in family homes which are conducive to the physical, social, emotional and mental health of disabled and elderly adults who are temporarily unable to remain in their own homes due to abuse, neglect or exploitation as defined in 62A-3-301.]Pursuant to 62A-2-101 et seq., the purpose of this rule is to define standards and procedures by which the Office of Licensing, hereinafter referred to as Office, shall license adult foster care.

R501-17-2. Objective[Purpose Statement].

A. These standards are to establish the minimum requirements for licensure of all Department of Human Services, hereinafter referred to as DHS, adult foster care homes.

B. Adult foster care services are provided pursuant to the Division of Aging and Adult Services, hereinafter referred to as DAAS, according to 62A-3-104(2)a.

R501-17-3. Definition[Authority].

[A. It is the policy of DHS that all adult foster care homes approved by the Department shall be licensed according to the set of standards contained in this rule.

B. Adult foster care services are provided pursuant to Division of Aging and Adult Services, hereinafter referred to as DAAS, according to Subsection 62A-3-104(2)a:]"Adult foster care" means the provision of care in homes which are conducive to the physical, social, emotional and mental health of disabled or elderly adults who are temporarily unable to remain in their own homes due to abuse, neglect or exploitation as defined in 62A-3-301.

R501-17-4. License Procedure.

[Application.]Any adult may apply to [the regional office or to the Office of Licensing, hereinafter referred to as Office,]DAAS or the Office to become an adult foster care provider. The applicant will be provided with an application, a copy of [standards]rules and advised of licensing requirements and procedure. The applicant must meet the requirements for a license and for a DAAS contract.

R501-17-5. Adult Foster Care Provider and Family Requirements.

A. Personal characteristics of adult foster care provider and family, at a minimum, shall be as follows:

1. Provider shall be in good health[;] and able to provide physical and emotional care to the consumer.

a. Provider shall have a physical examination by a medical practitioner at initial licensing.

b. Provider shall self-certify his or her personal physical condition annually.

2. Provider shall be an emotionally stable and responsible person [over 21 years of age.]21 years of age or older. Both legally married couples and single individuals, may be adult foster providers.

3. Provider shall have sufficient income to maintain the family and shall not depend solely on the foster care payment.

4. [Agency]DAAS employees shall not be approved as foster providers. In emergency situations an employee may provide care with approval of the DAAS Regional Director.

5. A provider must follow [agency]Office rules and DAAS rules and work cooperatively with [the agency,]the Office, DAAS, State, Court, and law enforcement officials.

6. A provider shall read, sign and follow the [Department]current DHS Provider Code of Conduct.

7. A provider shall comply with the requirements of [R501-14 and R501-15.]R501-14 and R501-18.

B. Family Composition and Consumer Placement:

1. The number, ages, and gender of persons in the home shall be taken into account as they may be affected by or have an affect upon the adult.

2. Provider shall have no more than six children, including the provider's children under 18 years of age, living in the home.

3. No more than two children under [the age of]two years of age, shall reside in [a]an adult foster home, including natural children.

4. No more than three unrelated adults shall be placed in the home. Composition may be flexible and [considers]consider the needs of each adult and the family or provider.

5. No other programs providing care for children, youth or adults shall operate out of the same home.

R501-17-6. Physical Aspects of Home.

A. The adult foster home shall be located where school, church, recreation, and other community facilities are available or accessible through arranged transportation.

B. The physical facilities of the adult foster home shall be clean, in good repair, and provide for normal comforts in accordance with accepted community standards.

C. The adult foster home shall be free from health and fire hazards.

1. The adult foster home shall have at least one smoke detector on each floor.

2. The adult foster home shall have at least one approved fire extinguisher. The extinguisher shall be serviced annually.

3. The adult foster home shall have at least one adequately supplied first aid kit.

D. There shall be sufficient bedroom space in accordance with the following:

1. rooms are not shared by consumers of the opposite sex, and

2. each consumer shall have his or her own bed none of which shall be portable. Beds shall be solidly constructed, and provided with clean linens at least weekly or when soiled.

3. Bedrooms shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens.

~~3~~4. Closet and dresser space shall be provided within the bedroom for the ~~consumers~~consumer's personal possessions and for a reasonable degree of privacy.

E. Building and grounds:

1. There shall be adequate indoor and outdoor space for recreational activities.

2. All indoor and outdoor areas shall be maintained in a safe and sanitary ~~manner~~condition.

3. Areas determined to be unsafe, including steep grades, cliffs, open pits, swimming pools, high voltage boosters, or high speed roads, shall be fenced off or have natural barriers.

F. Equipment:

1. All furniture and equipment shall be maintained in a safe and sanitary ~~manner~~condition.

2. Furniture and equipment shall be of sufficient quantity, variety, and quality to meet individual consumer needs.

R501-17-7. Nutrition.

A. Daily meals and snacks shall meet the component, quality, and quantity of the Recommended Daily Allowance [~~RDA~~]for adults.

B. The provider shall provide for specialized diet needs as required by the consumer.

C. Sanitary drinking water shall be available at all times.

R501-17-8. Emergency Plans.

A. Provider shall have a written plan of action for emergencies and disasters to include the following:

1. evacuation with a pre-arranged site for relocation,

2. transportation and relocation of consumers when necessary,

3. supervision of consumers after evacuation or relocation, and

4. notification of appropriate authorities.

B. Provider shall have a written plan for medical emergencies with arrangements for medical transportation and care.

C. In case of emergency the provider~~Provider~~ shall notify the emergency contact person or appropriate authorities.

D. Provider shall notify the consumer's physician and DHS worker of any accidents or injuries which require medical treatment.

E. Other non-medical emergencies shall be reported to the appropriate authorities.

F. The provider shall immediately report any serious illness, injury or death of a consumer to the DAAS Regional office.

.....

R501-17-10. Medication.

A. Consumers shall be responsible for administering their own medication.

B. All adult household members responsible for medications shall keep them in a safe and proper place.

C. Medication shall not be discontinued without the approval of the physician. Unusual reactions or side effects shall be reported to the physician.

D. Medication shall not be used for behavior management or restraint unless prescribed by a physician with notification to the ~~DHS~~DAAS worker.

R501-17-11. Transportation.

A. The provider shall provide or arrange necessary transportation.

B. Transportation shall be provided according to state safety requirements.

C. Drivers of vehicles shall have a valid Utah drivers license and observe Utah State driving regulations.

D. Transportation shall be provided in vehicles which have current registration and safety inspection.

E. There shall be a means of transportation in case of emergency.

F. Each vehicle shall be equipped with ~~a First Aid kit~~an adequately supplied first aid kit and an emergency list which includes the names of occupants and the name, telephone number and address of the provider.

R501-17-12. Behavior Management.

A. The provider shall provide appropriate supervision at all times.

B. The provider shall not use, nor permit the use of corporal punishment, physical or chemical restraint, infliction of bodily harm or discomfort, deprivation of meals, refuse rest or visits with family, humiliating or frightening methods to control the actions of consumers.

C. The provider shall inform the ~~DHS~~DAAS worker of any extreme or repeated behavioral problems.

R501-17-13. Consumer Rights in Adult Foster Care.

A. A description of the consumer's rights and responsibilities shall be provided and explained when the adult is admitted to the home. When appropriate, the adult shall be informed verbally of this policy to his or her understanding.

B. The provider shall adhere to the following:

1. allow the consumer to eat meals with the family, and allow the consumer to eat the same food as the family unless the consumer has a special prescribed diet,

2. allow the consumer to participate in family activities,
3. protect confidentiality of information,
4. not make copies of consumer records,
5. explain consumer responsibilities, including household tasks, privileges, and rules of conduct,
6. not allow discrimination,
7. treat the consumer with dignity,
8. allow the right to communicate with family, attorney, physician, clergyman, and others, except where documented to be clinically contraindicated,
9. have a list of people whose visitation rights have been restricted by legal guardian or ~~[DHS]~~DAAS worker,
10. allow the right to send and receive mail, and
11. allow the consumer to manage his or her own fiscal affairs, unless the consumer has an approved representative, i.e., conservator to assist them with the management of his or her money.

R501-17-14. Record Keeping.

- A. The provider shall maintain the following:
 1. current license certificate,
 2. copy of contracts with ~~[DHS]~~DAAS,
 3. medical report, Form ASP19, and
 4. documentation of training.
- B. The provider shall maintain a file for each ~~[adult]~~consumer, to include the following:
 1. biographical information including a current emergency contact name and ~~[phone]~~telephone number,
 2. documentation of each consumer to include the following:
 - a. physical, visual, and dental examinations,
 - b. emergencies requiring medical treatment,
 - c. medication, when applicable, and
 - d. record of significant expenditures for the consumer.

KEY: licensing, human services

~~[March 15, 1998]~~2001

62A-2-101 et seq.



Labor Commission, Safety

R616-2-3

Safety Codes and Rules for Boilers and Pressure Vessels

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23310

FILED: 11/14/2000, 10:26

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The purpose of the rule change is to adopt the yearly Addenda for Power Piping ASME B31-1.

SUMMARY OF THE RULE OR CHANGE: The proposed rule amendment incorporates by reference the 2000 addenda to ASME B31.1 (1998).

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 34A-7-101

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Power Piping ASME B31.1(1998), ASME B31-1b-2000 Addenda, issued September 15, 2000

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be no cost or savings to the state budget. The Safety Division has previously purchased these Codes, which includes the cost of the annual addenda. The substantive provisions of the 2000 addenda do not require any additional expense for administration or enforcement. As to the impact of the 2000 addenda on the State's cost to own or operate boilers or pressure vessels, such impact should be minimal. The 2000 addenda contain corrections to grammar and additions of new materials.

❖LOCAL GOVERNMENTS: The 2000 addenda contain corrections to grammar and additions of new materials. These changes should result in no cost increase or savings to local government.

❖OTHER PERSONS: The 2000 addenda contain corrections to grammar and additions of new materials. These changes should result in no cost increase or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The 2000 addenda will not increase compliance costs for affected persons, i.e., manufactures or owner/operators of boilers and pressure vessels. The additional compliance requirements imposed by the 2000 addenda are already followed by most affected persons as part of existing practices.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The primary purpose of the 2000 addenda is to refine and clarify existing standards. Any changes imposed by the 2000 addenda have, for the most part, already been incorporated in the practices of the boiler and pressure vessel industry. Consequently, the Commission does not expect the addenda to impose any fiscal burden on business.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Labor Commission
 Safety
 Third Floor, Heber M. Wells Office Building
 160 East 300 South
 PO Box 146620
 Salt Lake City, UT 84114-6620, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Larry Patrick at the above address, by phone at (801) 530-6872, by FAX at (801) 530-6390, or by Internet E-mail at icmain.lpatrick@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: R. Lee Ellertson, Commissioner

R616. Labor Commission, Safety.

R616-2. Boiler and Pressure Vessel Rules.

R616-2-3. Safety Codes and Rules for Boilers and Pressure Vessels.

The following safety codes and rules shall apply to all boilers and pressure vessels in Utah, except those exempted pursuant to Section 34A-7-101, and are incorporated herein by this reference in this rule.

A. ASME Boiler and Pressure Vessel Code (1998).

1. Section I Rules for Construction of Power Boilers and the 2000 Addenda, published July 1, 2000.

2. Section IV Rules for Construction of Heating Boilers and the 2000 Addenda, published July 1, 2000.

3. Section VIII Rules for Construction of Pressure Vessels and the 2000 Addenda, published July 1, 2000.

B. Power Piping ASME B31.1 (1998) and the ASME B31.1a-1999]1b-2000 Addenda, issued [November 30, 1999]September 15, 2000.

C. Controls and Safety Devices for Automatically Fired Boilers ASME CSD-1-1998 and the ASME CSD-1a-1999 addenda, issued March 10, 2000.

D. National Board Inspection Code ANSI/NB-23 (1998) and the 1999 NBIC Addendum, published December 31, 1999.

E. Standard for the Prevention of Furnace Explosions/Implosions in Single Burner Boilers, NFPA 8501 (1997).

F. Standard for the Prevention of Furnace Explosions/Implosions in Multiple Burner Boilers, NFPA 8502 (1995).

G. Recommended Administrative Boiler and Pressure Vessel Safety Rules and Regulations NB-132 Rev. 4.

H. Pressure Vessel Inspection Code: Maintenance Inspection, Rating, Repair and Alteration API 510 (1997) and the 1998 Addenda, published December 1998.

KEY: boilers*, certification, safety

[2000]2001

34A-7-101 et seq.

Notice of Continuation February 5, 1997



**Natural Resources; Oil, Gas and Mining; Oil and Gas
R649-4
Determination of Well Categories Under the Natural Gas Policy Act of 1978**

NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 23304

FILED: 11/08/2000, 09:59

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The enactment of this rule will enable the Board of Oil, Gas, and Mining to make well status determinations for wells with certain reservoir characteristics on State- or fee-owned land which were spudded (started) or reworked between 01/01/80 and 12/31/92, inclusive.

SUMMARY OF THE RULE OR CHANGE: Under the Natural Gas Policy Act of 1978, wells spudded or reworked as indicated in the "purpose for the rule" that produce occluded natural gas from coal seams, natural gas from Devonian shale, or natural gas from tight formations are eligible for determination as being in a special well category which brings with it the potential for a federal tax credit. Even though the eligible period for the drilling or reworking of these wells is passed, there are some eligible wells in the state that are eligible for this determination.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 40-6-1 et seq.

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The proposed rule was in effect in Utah until approximately five years ago when the price of natural gas was deregulated and the need for the designation of special category reservoirs was obviated. At that time the rule was deleted from the Division's administrative rules. Now, Federal Energy Regulatory Commission (FERC) regulations allow an operator who is drilling wells into special category reservoirs to obtain a section 29 tax credit from the (federal) Internal Revenue Service. These proposed rules would allow the State to accept applications to designate production reservoirs from

operators for state and Fee-owned lands. Since the number of wells on state and Fee-owned land which would still qualify for the credit is largely unknown, the attitude of possible operators who would take advantage of the special designation option is unknown, and the general outlook for these designations being successful is unknown, it is impossible to estimate the cost or revenue effects accurately.

❖LOCAL GOVERNMENTS: There will be little or no impact on local government due to the small number of wells involved.

❖OTHER PERSONS: A small positive impact may be experienced by individual well owners or royalty owners if their interests are in wells where a new status is determined to exist. Since the number of wells on state and Fee-owned land which would still qualify for the credit is largely unknown, the attitude of possible operators who would take advantage of the special designation option is unknown, and the general outlook for these designations being successful is unknown, it is impossible to estimate the cost or revenue effects accurately.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Well owners would be required to complete the required forms to apply for a status determination, this is not a significant cost.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule would help some businesses to obtain a federal tax credit on the gas produced if the source reservoir qualifies for special status, and may help encourage additional oil and gas activity in Utah.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources
Oil, Gas and Mining;
Oil and Gas
Suite 1210, Natural Resources Building
1594 West North Temple
PO Box 145801
Salt Lake City, UT 84114-5801, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ronald W. Daniels at the above address, by phone at (801) 538-5316, by FAX at (801) 359-3940, or by Internet E-mail at nrogn.rdaniels@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/06/2000, 10:00 a.m., Suite 1040A, 1594 West North Temple, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Ronald W. Daniels, Coordinator of Minerals Research

R649. Natural Resources; Oil, Gas and Mining; Oil and Gas.
R649-4. Determination of Well Categories Under the Natural Gas Policy Act of 1978.

R649-4-1. Definitions.

1. Unless the context specifically requires otherwise, any special words, terms, or phrases used in the Section and not defined in Section 1 have the meanings defined under the Natural Gas Policy Act of 1978 (NGPA), and applicable Federal Energy Regulatory Commission (FERC) rules and regulations.

R649-4-2. Applications.

An operator requesting the classification of a well or reservoir pursuant to the authority granted to the Board by Section 503 of the NGPA, in order to enable the Board to determine the applicable category for any such well or reservoir pursuant to Title 1 of the NGPA, shall:

1. File the original and two copies of a written application made upon forms prescribed by the Board together with supporting documentation, including all information, data, forms, plats, maps, exhibits, and evidence as may be required by the applicable statutes, rules, and regulations. An application may be amended, supplemented, or withdrawn by the applicant at any time prior to the Board determination.

1.1. Complete an individual application as to each well for which a status determination is being requested. If more than one status determination is being requested for a single well, all forms and information required for each requested determination shall be submitted jointly under one application, with notice to the Board that multiple determinations for one well are being sought under the application.

1.2. File an affidavit as to the truthfulness and correctness of all information contained in the application, including all documents, testimony, and evidence attached to or submitted with the application.

1.3. Certify that the purchaser and owners of the natural gas for which the determination is being submitted, have been served by personal delivery or by mail, postage prepaid, with a copy of the application, including a complete FERC Form 121, excluding required supporting documents.

R649-4-3. Notice and Hearing.

1. Upon receipt of an application for a well status determination under the NGPA, the Board shall:

1.1. Notify the applicant of the receipt of the application;
1.2. Determine the completeness of the application. If the application is incomplete in any respect, the Board shall indicate to the applicant the items to be filed which would make the application complete;

1.3. Assign a cause number to each application, determine a hearing date for each complete application, and notify the applicant of the cause number and hearing date;

1.4. Cause notice of hearing to be given.
2. If the same applicant has filed for multiple well determinations or for multiple determinations as to any well, the published notice of hearing may include more than one well or reservoir in one notice.

R649-4-4. Determination and Orders.

1. Following notice and hearing, the Board shall issue a determination and order for each complete application.

2. If no response or protest to the application is filed with the Board, an application may be considered and a determination may be made by the Director or a designated hearing examiner on the basis of sworn testimony, depositions, or affidavits, together with all exhibits, forms, and other matters properly filed with the Board. Such matters shall comprise the transcript of the hearing on which the determination is based.

3. An applicant may also request consideration and a determination by the Director or a designated hearing examiner by filing a letter with the Board agreeing that the determination can be made by the Director without the necessity of an appearance by the applicant. The Board may, however, upon its own motion, require an evidentiary hearing with sworn testimony to be held upon any application following proper notice. In the event the Board determines that a hearing is required, the Board shall notify the applicant at least ten days prior to the scheduled hearing date.

R649-4-5. Notice of Determination.

Within five days after the last day for filing a motion for rehearing, or, if such a motion is filed, within 15 days after it is denied or overruled by operation of law, the Board shall give written notice to the FERC of its determination and order.

**KEY: oil and gas law
2001**

40-6-1 et seq.



Public Safety, Law Enforcement and
Technical Services, Regulatory
Licensing
R724-4
Concealed Firearm Permit Rule

NOTICE OF PROPOSED RULE
(Amendment)
DAR FILE No.: 23308
FILED: 11/13/2000, 08:57
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To make amendments to conform with changes in statute, to improve and clarify the provisions that pertain to certified firearms instructors, and to prohibit the wearing of unauthorized badges by permit holders.

SUMMARY OF THE RULE OR CHANGE: The first change eliminates the two-year renewal requirement for concealed firearm permits, and creates a new section to conform with the five-year renewal period enacted by the Legislature in 1998 (S.B. 140 and S.B. 141). The second change

eliminates the requirement to pay all permit fees in the form of cash, cashier's check, or money order. The third change amends the requirements to apply for firearms instructor certification to include: being a resident of Utah, submitting a photocopy of an identification form and a requirement to re-certify every two years. Next, a new section is proposed to prohibit the wearing of badges by permit holders as it implies affiliation with law enforcement. Lastly, statutory references are updated and definitions have been modified for clarity.

(DAR Note: S.B. 140 is found at 1998 Utah Laws 404, and was effective May 4, 1998. S.B. 141 is found at 1998 Utah Laws 187, and was effective May 4, 1998.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53-5-704(17)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The cost to the state budget will be \$4,389.88. This figure includes the cost of materials, postage, and man hours to process the recertification. The fee of \$5 per application was deducted from the total cost. The estimate is based on the assumption that all 484 firearms instructors currently certified apply for recertification.

❖LOCAL GOVERNMENTS: This rule will have no effect on local government budgets because it does not apply to local government.

❖OTHER PERSONS: The aggregate cost to other persons will be \$2,420 assuming all 484 persons currently certified apply for recertification.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Cost of \$5 for each firearms instructor who chooses to apply for recertification.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule will have no fiscal impact on businesses because it does not apply to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Law Enforcement and Technical Services,
Regulatory Licensing
3888 West 5400 South
PO Box 148280
Salt Lake City, UT 84114-8280, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Nathan Smith at the above address, by phone at (801) 965-4552, by FAX at (801) 965-4002, or by Internet E-mail at psdomain.psmain.nsmith@dps.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Lt. Col Herb Katz, Director

**R724. Public Safety, Law Enforcement and Technical Services, Regulatory Licensing.
R724-4. Concealed Firearm Permit Rule.**

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R724-4-2. Authority.

This rule is authorized by Subsection 53-5-704~~(+2)~~(17).

R724-4-3. Definitions.

Terms used in this rule shall be defined as follows:

A. "Affidavit" means a written statement made under oath before a notary public.

B. "~~[Approved]~~Firearms instructor" means a person approved by the Division who can certify that an applicant meets the general firearm familiarity requirement of Subsection 53-5-704~~(7)~~(8)(a) and is an instructor who is certified pursuant to Subsection 53-5-704(9) and Section[s] R724-4-~~13 and 14~~16.

C. "Board" means the Concealed Weapons Review Board referred to in Section 53-5-703.

D. "Concealed" means that which is covered, hidden, or secreted in a manner that the public would not be aware of its presence and is readily accessible for immediate use.

E. "Crime of violence" ~~means any crime defined as such in Subsection 76-10-501(2)(b);~~ means aggravated murder, murder, manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or an attempt to commit any of these offenses.

F. "Division" means the Division of Law Enforcement and Technical Services of the Utah Department of Public Safety.

G. "Domestic violence" means any of the crimes listed in Subsection 77-36-1(2) when committed by one co-habitant against another.

H. "Equivalent experience with a firearm through participation in law enforcement" means experience showing that the applicant has within the last five years met the firearms requirement of his/her department as evidenced by verifiable documentation from his/her department.

I. "Equivalent experience with a firearm through participation in the military" means experience showing that the applicant has within the last five years successfully met the firearms requirements of his/her military organization as evidenced by verifiable documentation from his/her military organization, provided that such training meets the requirements of Subsection 53-5-704~~(7)(a)~~(8)(a).

J. "Equivalent experience with a firearm through participation in an organized shooting competition" means experience showing that the applicant has within the last five years competed in an organized shooting competition as evidenced by verifiable documentation from the organization sanctioning or conducting the organized shooting competition, provided the organized shooting competition meets the requirements of Subsection 53-5-704~~(7)(a)~~(8)(a).

K. "Felony" means any criminal conduct other than those crimes defined as misdemeanors or infractions by the statutes of this state. It also includes any criminal conduct that is punishable by more than one year in prison by a federal statute, or by the statute of some other state.

L. "Mitigating circumstances" means circumstances which reduce culpability for purposes of assessing good character.

M. "Moral turpitude" means a conviction for criminal conduct under the statutes of this state or any other jurisdiction involving any of the following offenses:

1. theft;
2. fraud;
3. tax evasion;
4. issuing bad checks;
5. robbery;
6. aggravated robbery;
7. bribery;
8. perjury;
9. extortion;
10. arson or aggravated arson;
11. criminal mischief;
12. falsifying government records;
13. forgery;
14. receiving stolen property;
15. firearms violations;
16. burglary or aggravated burglary;
17. vandalism;
18. kidnaping, aggravated kidnaping, or child kidnaping;
19. crimes involving unlawful sexual conduct as described in Title 76, Chapter 5, Part 4, Chapter 5a, Chapter 7, Part 1, and Chapter 10, Part 13; and

20. violations of the pornographic and harmful materials and performances act, as defined in Title 76, Chapter 10, Part 12.

N. "Offenses involving the use of alcohol" means any of the following offenses:

1. any violation of Sections 41-6-44 through 41-6-44.20;
2. violations of Title 32A, Chapter 12, Part 2 involving the illegal use or consumption of an alcoholic beverage; and
3. a violation of 76-10-528.

O. "Offenses involving the use of narcotics" means any offense involving the use, possession, manufacturing or distribution of any narcotic or drug as defined in Title 58, Chapter 37, 37a, 37b, 37c, 37d, and 37e or a violation of 76-10-528.

P. "Past pattern of behavior" means verifiable incidents, with or without an arrest or conviction, that would lead a reasonable person to believe that an individual has a violent nature and would be a danger to themselves or others.

R724-4-4. Application For a Concealed Firearm Permit.

A. Application for a permit to carry a concealed firearm shall be made in writing to the Division on forms provided by the Division. An application package shall include:

1. a completed application form;
2. proof that the applicant is 21 years of age or older at the time application is made;
3. evidence of general familiarity with the types of firearms to be concealed, verified by a signed certificate from ~~[an approved]~~a firearms instructor;

4. a five-year employment history;
5. a five-year residential history;
6. two letters of character reference;
7. two recent color photographs of passport quality, measuring 2"x 2"; and
8. two completed fingerprint cards.

B. An applicant shall pay a non-refundable processing fee of \$59.00 at the time the application is filed. This fee consists of \$35.00 mandated by Section 53-5-707 and a \$24.00 Federal Bureau of Investigation finger print processing fee. [~~Payment shall be in the form of cash, cashier's check, or money order.~~] The Division is not responsible for cash lost in the mail.

C. An applicant may request an interview prior to submitting the application. The Division may require an interview subsequent to the submission of the application.

D. A background investigation shall be conducted on all applicants to determine if they are of good character as required by Section 53-5-704. The background investigation shall consist of:

1. verifying the accuracy of the application information;
2. checking the applicant's criminal history through local, state and national computer files which include:
 - a. Utah computerized criminal history;
 - b. national crime information center;
 - c. Utah law enforcement information network;
 - d. drivers license information;
 - e. statewide warrants file;
 - f. criminal justice juvenile files;
 - g. criminal history expungement system; and
 - h. national instant check system (when available).
3. The fingerprint cards will be sent to the FBI for a review of the applicant's criminal history record pursuant to Sections 53-5-704 and 706.

E. The Division will review all the above information and approve or deny the application.

1. Notice of approval may be given by telephone or in writing.
2. Notice of denial shall be given in writing and shall state the reasons for denial.

[~~F. Renewal of a permit to carry a concealed firearm is required every two years:~~

- ~~1. The renewal form is available from the Division.~~
- ~~2. A renewal applicant shall pay a non-refundable fee of \$5.00 as required by Section 53-5-707. Payment shall be made in the form of cash, cashier's check or money order. The Division is not responsible for cash lost in the mail.~~

~~G.]E. A peace officer who has honorably retired from full-time employment within five years of making application shall be exempt from the following requirements:~~

1. two letters of character reference; and
2. two sets of fingerprints.

R724-4-5. Renewal of a Concealed Firearm Permit.

A. Renewal of a concealed firearm permit is required every five years.

B. In accordance with Section 53-5-707, a fee of \$10.00 shall be charged for each permit renewal.

C. In accordance with 53-5-707, a late fee of \$7.50 shall be applied for permits that are expired by more than 30 days.

D. If a permit has expired by more than one year, the permit holder shall be required to reapply in accordance with R724-4-4.

R724-4-[5]6. Temporary Concealed Firearm Permit.

A. To be eligible to obtain a temporary permit to carry a concealed firearm, as provided for in Section 53-5-705, an applicant must:

1. apply for a permit under Section 53-5-704;
2. apply for a temporary permit under Section 53-5-705;
3. demonstrate good character; and
4. prove to the satisfaction of the Division extenuating circumstances justifying the need for a temporary permit.

B. Provisions regarding denial, suspension or revocation of a temporary permit are set forth in Subsections [~~R724-4-48(F)~~]53-5-705(5) and (6).

R724-4-[6]7. Out-of-State Concealed Firearm Permit Applicants.

Out-of-state applicants for a concealed firearm permit will be subject to the same application process as in-state applicants.

R724-4-[7]8. Out of State Concealed Firearm Permits.

A. In accordance with Subsection 76-10-523(2)(b) the Division will conduct research annually to determine which states have requirements for the issuance of a concealed firearm permit that meet or exceed the requirements for issuance of a concealed firearm permit in this state.

B. A list of the out of state permits that will be honored in this state will be maintained by the Division. The list will be available to the public upon request.

R724-4-[8]9. Application for a Certificate of Qualification.

A. Application for a certificate of qualification shall be made in writing to the Division on forms provided by the Division and will be subject to the same application requirements as concealed firearm permit applicants set forth in Section R724-4-4. The applicant must also provide proof to the satisfaction of the Division that they are a law enforcement official or judge as defined in Section 53-5-711.

B. A certificate of qualification will act as identification to verify that the holder is exempt from weapons laws in accordance with Section 76-10-523.

R724-4-[9]10. Additional Training Requirements for Obtaining a Certificate of Qualification.

Training requirements for obtaining a certificate of qualification, as set forth in Subsection 53-5-711(2)(b), will be established by the commissioner. A copy of the training requirements will be available in the Division office upon request. The commissioner may make changes or additions to the training requirements as needed. It is the responsibility of the applicant to acquire the training through their agency.

R724-4-[10]11. Annual Requalification Requirement for Obtaining a Certificate of Qualification.

Proof of annual requalification must be submitted to the Division, in writing, no earlier than November 1 and no later than November 30 of each year. If an applicant has received an initial certificate of qualification after August 1, requalification will not

be required until the following year. Failure to provide proof of annual requalification by November 30 of each year will result in revocation of the certificate of qualification.

R724-4-[11]12. Duty of Certificate of Qualification Holder to Notify the Division Upon Termination of Status as a Law Enforcement Official or Judge.

A certificate of qualification holder who resigns or is terminated from their position must notify the Division within six months after leaving their position. If the holder obtains other employment as a Law Enforcement Official or Judge within the six month period, the Division will allow the certificate of qualification to remain current provided the holder has not committed an offense that is grounds for revocation under Title 53 Chapter 5 Part 7. If a holder of a certificate of qualification has not obtained another position as a Law Enforcement Official or Judge, the certificate of qualification will be revoked and a concealed firearm permit will be issued provided the holder has not committed an offense that is grounds for revocation under Title 53 Chapter 5 Part 7.

R724-4-[12]13. Denial, Suspension, or Revocation of a Concealed Firearm Permit or Certificate of Qualification.

A concealed firearm permit or certificate of qualification may be denied, suspended or revoked for any of the reasons set forth in Subsections 53-5-704 (3)(a) and (c), or for failure to maintain good character as defined in Subsection 53-5-704(2).

R724-4-[13]14. Requirement to Notify Peace Officer When Stopped.

When a concealed firearm permit holder or certificate of qualification holder is stopped for questioning by a peace officer based on reasonable suspicion in accordance with Section 77-7-15 and the holder has a concealed firearm in his/her possession, the holder shall immediately advise the peace officer that he/she is a lawful holder and has a concealed firearm in his/her possession.

R724-4-15. Wearing of Badge Prohibited.

A concealed firearm permit holder or firearms instructor may not wear a badge or identification card other than the one issued by the Division, or make any statements that would lead a reasonable person to believe the permit holder or firearms instructor is connected in any way with the federal government or any state or local governmental entity.

R724-4-[14]16. Concealed Firearm Permit Instructors.

A. The Division will certify[~~concealed~~] firearms[~~permit~~] instructors as provided for in Subsection 53-5-704[(7)](8)(b)(ii).

B. All firearms instructors must reside within the state of Utah.

[B:]C. Application to become a[~~concealed~~] firearms[~~permit~~] instructor shall be made in writing to the Division on forms provided by the Division. The application shall include:

1. a completed application form;
2. evidence that the applicant has completed a firearms instructor training program sponsored by the National Rifle Association, or Peace Officer Standards and Training, or a program equivalent thereto;[~~and~~]

3. a notarized release of information form[~~;~~];

4. a photocopy of the applicant's photo identification on a form issued by a governmental agency of the state.

[E:]5. [A concealed firearm permit instructor applicant shall pay] a non-refundable fee of \$5.00[~~;~~] and[~~;~~] Payment shall be made in the form of cash, cashier's check or money order. The Division is not responsible for cash lost in the mail.]

[D:]6. [The applicant must submit with the application a copy of] a course of instruction outline that meets or exceeds the course content requirements established by the Division as required by Subsection 53-5-704[(7)(a)](8)(a).

[E:]D. The applicant must meet the good character requirements set forth in Subsections 53-5-704(2)(a) through [(7)](h).

E. Certification as a firearms instructor is valid for a period of two years.

F. The firearms instructor may be re-certified by submitting to the Division:

1. a completed and notarized application form;
2. a copy of a current course of instruction outline that meets the course content requirements established by the Division, and;
3. an application fee of \$5.00 as set forth in Section R724-4-16(C)(5).

R724-4-[15]17. Certificate of Qualification Instructors.

A. The Division will certify certificate of qualification instructors as provided for in Subsection 53-5-711(4)(c). An applicant for a certificate of qualification instructor shall:

1. be certified as a firearms instructor by Peace Officer Standards and Training;
2. make a written request to the Division for approval;
3. meet the good character requirements set forth in Subsections 53-5-704(2)(a) through [(7)](h); and
4. demonstrate to the satisfaction of the Division that their approval would provide a benefit to the training program.

B. The number of certificate of qualification instructors approved by the Division will be limited to the needs of the program.

R724-4-[16]18. Denial, Suspension, or Revocation of Approval as a Concealed Firearm Permit Instructor or Certificate of Qualification Instructor.

Approval as a[~~concealed~~] firearms[~~permit~~] instructor or certificate of qualification instructor may be denied, suspended or revoked for any of the following reasons:

1. failing to meet the requirements of Sections R724-4-[14 or 15]; 16 or 17;
2. failing to teach from [an approved] a course of instruction approved by the Division;
3. failing to maintain records verifying that an applicant has passed a required course of instruction; or
4. knowingly and wilfully providing false information to the Division.

R724-4-[17]19. Records Access.

A. The purpose of this section is to define access to concealed firearm permit and certificate of qualification records

in accordance with Title 63, Chapter 2, and Subsection 53-5-708(1).

B. Except as provided in Subsection 53-5-708(1), information supplied to the Division by an applicant shall be considered [~~"private"~~]"protected" in accordance with Subsection [~~63-2-302(2)(d)~~]63-2-304(9).

C. Information gathered by the Division and placed in the applicant's file shall be considered "protected" in accordance with Subsections 63-2-304(8)_and_(9). However, if such information is used as the basis for denial of a concealed firearm permit or certificate of qualification, such information shall be considered "private" in accordance with Subsection 63-2-302(2)(d) and the applicant shall have access to it in accordance with Subsection 53-5-704[~~(10)(c)~~](16)(c).

R724-4-~~18~~20. Adjudicative Procedures.

A. Any applicant denied a concealed firearm permit or certificate of qualification may request a hearing before the board by filing an appeal to the Division within 60 days from the date the notice of denial is issued. This appeal process also applies to a concealed firearm permit holder or certificate of qualification holder whose concealed firearm permit or certificate of qualification has been suspended or revoked.

B. Board hearings will be conducted informally in accordance with Section 63-46b-5.

C. Board decisions shall be issued within 30 days from the date of the hearing in accordance with Subsection 53-5-704[~~(10)(E)~~](16)(e) and shall comply with the requirements of Subsection 63-46b-5(1)(i).

D. In accordance with Section 63-46b-11 the board may enter a default order against any party who fails to participate in a hearing.

E. Judicial review of all final actions resulting from informal adjudicative proceedings is available pursuant to Section 63-46b-15.

F. Denial, suspension, or revocation of a temporary permit is not appealable to the board.

G. A [~~concealed~~] firearms[~~permit~~] instructor or certificate of qualification instructor has the same appeal rights as set forth in this section for concealed firearm permit holders and certificate of qualification holders.

KEY: concealed firearm permit

[~~April 16, 1998~~]2001

Notice of Continuation December 2, 1997

53-5-704

63-46b



**Public Service Commission,
Administration
R746-340
Substantive Rules Governing
Telecommunications Utilities**

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE NO.: 23328

FILED: 11/15/2000, 15:35

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To develop service quality standards for public telecommunications service.

SUMMARY OF THE RULE OR CHANGE: The amended rule incorporates the provisions of the previous Rule R746-340 and the provisions of the Emergency Rule R746-340 in effect at this time. The rule is intended to incorporate service quality guidelines or standards which are already in use in the telecommunications industry and service quality standards agreed to and imposed in the Public Service Commission's proceedings involving the merger of US West Communications and Qwest. The rule establishes minimum standards for all telecommunications corporations and additional standards for corporations with over 30,000 access lines: technical standards for telecommunications services, standards for the installation or provision of service and monitoring and reporting requirements. The rule includes the provisions from the prior Rule R746-340 and adds new sections: R746-340-7, End User Service Standards Where Competition Exists; Section R746-340-8, End User Service Standards for Incumbent Telecommunications Corporations with 30,000 or More Access Lines in Utah, Not Subject to Competition; and Section R746-340-9, Reporting Requirements Where No Competition Exists. These additional sections are based upon the current Emergency Rule.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 54-8b-3.3

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No additional costs are anticipated for state agencies. Those agencies currently involved in addressing service quality standards of telecommunications providers will incorporate any new activities into their existing activities and procedures without additional budgetary expenditures. State agencies will realize savings to the extent that compliance with the proposed service quality standards reduces the occurrence, frequency and duration of service interruptions or outages. Quantification of the savings is not possible to the Public Service Commission.

❖LOCAL GOVERNMENTS: No additional costs are anticipated for local governments as the proposed changes do not require any activity or modification of activity by local government entities.

❖OTHER PERSONS: To the extent that the proposed changes incorporate existing industry standards, no additional costs will be incurred with compliance. Qwest (formerly US West Communications), the largest provider

of access lines in the State, has agreed to implement or comply with the proposed standards as part of the public benefit proffered in support of approval of its merger. The rule incorporates those service quality standards already agreed to by Qwest as part of the merger process, so no additional costs will be incurred through the promulgation of those aspects of the rule. The minimal standards for all telecommunications corporations could result in additional costs, but the Commission anticipates that current industry practice and market demands already require all telecommunications corporations to have established practices and procedures that will permit compliance with the minimal standards without incurring additional costs.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Compliance costs will be incurred by telecommunications service providers where it is necessary to install additional facilities or personnel in order to comply with the proposed standards. However, the company potentially receiving the greatest impact from the rule, Qwest, has agreed to incur the expenses associated with much of the rule as a benefit to the State of Utah in support of its merger with US West Communications. Hence, these costs of compliance do not derive from the rule itself, but from the company's decision to merge and provide benefits to the merged company's owners, customers and the State of Utah. The monitoring and reporting requirements of the proposed change could entail additional compliance costs, but the Public Service Commission has adopted the same reporting scheme utilized by the Federal Communications Commission (FCC). Since companies are required to comply with the FCC's process, and the Public Service Commission anticipates using the same process and scheme for the state's rule, it will not require any significant expenditures. The proposed crediting provisions of the change are estimated to produce approximately \$22 million in benefits. This estimate is calculated in assuming that the complaints filed with the Public Service Commission represent one in two hundred occurrences of actual service failure or problem. While the proposed rule requires a \$50 credit to be given to the customer, the Public Service Commission also estimates that the "costs" to a customer for a service failure or problem are approximately \$200 on average (e.g., value for time taken out of a customer's work schedule to wait for missed service repair or installation appointments, lost business opportunities when service failures occur, labor costs expended in resolving billing disputes and errors, etc.). Using annual estimates of service failures or problems, based upon reported complaints during January - April, 2000, we estimate that customer credits could total approximately \$7 million; to offset \$30 million in customer detriments from service failures and problems. Compliance with the proposed service quality would reduce each of these estimates and complete compliance would result in a net benefit of approximately \$22 million.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Public Service Commission receives numerous customer complaints regarding failures in the delivery of telecommunications services or in the installation of facilities for the provision of

telecommunications services. Many of these complaints allege that the customer has sustained various costs or lost opportunities for income due to the failure, delay or errors in providing service. Compliance with the proposed service quality standards should result in significant reduction in the burden currently borne by customers or potential customers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Service Commission
Administration
Fourth Floor, Heber M. Wells Building
160 East 300 South
PO Box 45585
Salt Lake City, UT 84111, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Sandy Mooy or Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or by Internet E-mail at bstroud@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Barbara Stroud, (designee) Paralegal

(DAR NOTE: Due to a clerical error at the Division of Administrative Rules, this amendment to R746-340 was not published in the November 15, 2000, issue of the *Utah State Bulletin*. This amendment corresponds with the emergency rule filing that was published in the October 15, 2000, *Bulletin* under DAR No. 23188. The emergency rule is effective as of October 2, 2000.)

R746. Public Service Commission, Administration.

R746-340. Service Quality for Telecommunications Corporations [Substantive Rules Governing Telecommunications Utilities].

R746-340-1. General.

A. Application of Rules -- These rules promulgated herein shall apply to each telephone corporation, as defined in Subsection 54-8b-2(16) [54-2-1(24)].

1. These rules govern the furnishing of communications services and facilities to the public by a telecommunications corporation [utility, hereinafter referred to as "utility,"] subject to the jurisdiction of the Commission. The purpose of these rules is to establish reasonable service standards to the end that adequate and satisfactory service will be rendered to the public.

2. The adoption of these rules by the Commission shall in no way preclude it from altering or amending its rules pursuant to applicable statutory procedures, nor shall the adoption of these rules preclude the Commission from granting temporary exemptions to rules in exceptional cases as provided in R746-100-16, Deviation from Rules.

B. Definitions -- In the interpretation of these rules, the following definitions shall apply:

1. "Allowed Service Disruption Event" -- an event when a telecommunications corporation is prevented from providing adequate service due to:

a. A customer's act;
b. A customer's failure to act;
c. A governmental agency's delay in granting a right-of-way or other required permit;

d. A disaster or an act of nature that would not have been reasonably anticipated and prepared for by the telecommunications corporation;

e. A disaster of sufficient intensity to give rise to an emergency being declared by state government.

f. A work stoppage, which shall include a grace period of six weeks following return to work.

g. A cable cut outside the telecommunications corporation's control affecting more than 20 pairs.

h. A public calling event, busy calling or dial tone loss due to mass calling or dial-up event.

2. "Central Office" -- A building that contains the necessary telecommunications equipment and operating arrangements for switching, connecting, and inter-connecting the required local, interoffice, and interexchange services for the general public.

[2]3. "Central Office Area" -- A geographic area served by a central office.

[3]4. "CFR" means the Code of Federal Regulations, 2000[1991] edition.

5. "Choke Network Trunk Groups" -- A network with special trunking and special prefixes in place to manage the use of mass-calling-numbers.

[4]6. "Commission" -- Public Service Commission of Utah.

7. "Commitment" -- A promise by a telecommunications corporation to a customer specifying a date and time to provide a service.

[5]8. "Customer" -- A person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency, provided with telecommunications services by a telecommunications corporation[utility].

9. Customer trouble reports include:

a. "Trouble Report" -- A customer report attributable to the malfunction of a telecommunications corporation's facilities and includes repeat trouble reports.

b. "Out of Service Trouble Report" -- A report used when a customer reports there is neither incoming nor outgoing telecommunications capability.

c. "Repeat Trouble Report" -- A report received on a customer access line within 30 days of a closed trouble report.

[6]10. "Exchange" -- A unit established by a telecommunications corporation[utility] for the administration of telecommunication services in a specified geographic area[for which a separate local rate schedule is provided]. It may consist of one or more central office areas together with associated outside plant facilities used in furnishing telecommunications services in that area.

[7]11. "Exchange Service Area" -- The geographical territory served by an exchange.

12. Held Order -- A request for basic exchange line service delayed beyond the initial commitment date due to a lack of

facilities which the telecommunications corporation is responsible for providing.

13. "Interconnection Trunk Group" -- Connects the telecommunications corporation's central office or wire center with other telecommunications corporation's facilities.

[8]14. "Local Access Line" -- A facility, totally within one central office area, providing a telecommunications connection between a customer's service location and the serving central office.

[9]15. "Out of Service" -- When there exists neither incoming nor outgoing telecommunication capability.

[10]16. "Party Line Service" -- A grade of local exchange service which provides for more than one customer[a number of customers] to be served by the same local access line.

[11]17. "Tariff" -- A portion or the entire body of rates, tolls, rentals, charges, classifications and rules, filed by the telecommunications corporation[utility] and approved by the Commission.

[12]18. "Telecommunications Corporation[Utility]" -- A "telephone corporation" as defined in Section 54-2-1(24).

19. "Voice Grade Service" -- Service that at a minimum, includes:

a. providing access to E911, which identifies the exact location of the emergency caller;

b. Two-way communications with a clear voice each way;

c. Ability to either place or receive calls; and

d. Voice band between 300 HZ and 3000 HZ.

20. "Wire Center" -- The building in which one or more local switching systems are installed and where the outside cable plant is connected to the central office equipment.

R746-340-2. Records and Reports.

A. Availability of Records -- Each telecommunications corporation[utility] shall make its books and records open to inspection by representatives of the Commission, the Division of Public Utilities, or the Committee of Consumer Services (or any successor agencies) during normal operating hours.

B. Retention of Records -- All records required by these rules shall be preserved for the period of time specified at 47 CFR 4[3]2, incorporated by this reference.

C. Reports --

1. Each telecommunications corporation[utility] shall maintain records of its operations in sufficient detail to permit review of its service performance.

2. Central offices with more than 500 local access lines, shall each report as promptly as possible to the Commission and the local news media, including, but not limited to, radio, TV, and newspaper, when applicable, failure or damage to the equipment or facilities which disrupts the local or toll service of 25 percent or more of the local access lines in that central office for a time period in excess of two hours.

D. Uniform System of Accounts -- The Uniform System of Accounts for Class A and Class B telephone utilities, as prescribed by the Federal Communications Commission at 47 CFR 32 is the prescribed system of accounts to record the results of Utah intrastate operations.

E. Data to be Filed with the Commission --

1. [Tariffs]Terms and Conditions of Service -- Each telecommunications corporation[utility] shall have its tariff, price

lists, etc., which describe the terms and conditions under which it offers public telecommunications services on file with the Commission, and where applicable, in accordance with the rules governing the filing of ~~tariffs~~ the information as prescribed by the Commission. They shall also provide the same information to the Commission in electronic format as requested by the Commission.

2. Exchange Maps -- Each telecommunications corporation[utility] shall have on file with the Commission an exchange area boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the exchange area wherein the telecommunications corporation[utility] serves. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall show the location of major highways, section lines, geographic township and range lines and major landmarks located outside municipalities. An approximate distance scale shall be shown on each map.

R746-340-3. Engineering.

A. Utility Plant -- Utility plant shall be designed, constructed, maintained and operated in accordance with the provisions outlined in the National Electrical Safety Code, 1993 edition, incorporated by reference.

B. Party-line Service -- When party-line service is to be provided, no more than eight customers shall be connected on one local access line, unless approved by the Commission. The telecommunications corporation[utility] may re-group customers as may be necessary to carry out the provisions of this rule.

R746-340-4. Emergency Operation.

~~[1.—Utilities]~~A. Emergency Service -- Telecommunications corporations shall make reasonable arrangements to meet emergencies resulting from failures of service, unusual and prolonged increases in traffic, illness of personnel, fire, storm or other acts of God, and inform its employees as to procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunication service.

~~[2.—]~~B. Battery Power -- Each central office shall have a minimum of three hours battery reserve.

~~[3.—]~~C. Auxiliary Power -- In central offices exceeding 5,000 lines, a permanent auxiliary power unit shall be installed.

R746-340-5. Maintenance.

A. Maintenance of Plant and Equipment --

1. Each telecommunications corporation[utility] shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system to permit the rendering of safe, adequate and continuous service at all times.

2. Maintenance shall include keeping all plant and equipment in a good state of repair consistent with safety and the adequate service performance of the plant affected.

B. Customer Trouble Reports --

1. Each telecommunications corporation[utility] shall provide for the receipt of customer trouble reports at all hours, and shall make a full and prompt investigation of and response to

each complaint. The telecommunications corporation[utility] shall maintain a record of trouble reports made by its customers. This record shall include appropriate identification of the customer or service affected, the time, date and nature of the report, and the action taken to clear the trouble or satisfy the complaint.

2. Provision shall be made to clear emergency out-of-service trouble at all hours, consistent with the bona fide needs of customers and the personal safety of utility personnel.

3. Provisions shall be made to clear other out-of-service trouble not requiring unusual repair, within 48 hours of the report received by the telecommunications corporation[utility], unless the customer agrees to another arrangement.

4. If unusual repairs are required, or other factors preclude clearing of reported trouble promptly, reasonable efforts shall be made to notify affected customers.

C. Inspections and Tests -- Each telecommunications corporation[utility] shall adopt a program of periodic tests, inspections and preventative maintenance aimed at achieving efficient operation of its system and rendering safe, adequate, and continuous service. The inspection and testing program must be approved by the Commission.

D. Planned Service Interruptions -- If service must be interrupted for purposes of rearranging facilities or equipment, the work shall be done at a time which will cause minimal inconvenience to customers. Each telecommunications corporation[utility] shall attempt to notify each affected customer in advance of the interruption. Emergency or alternative service shall be provided, during the period of the interruption, to assure communication is available for local law enforcement and public safety units and agencies.

R746-340-6. Safety.

A. Safety -- Each telecommunications corporation[utility] shall:

1. require its employees to use suitable tools and equipment to perform their work in a safe manner;

2. instruct employees in safe work practices;

3. exercise reasonable care in minimizing the hazards to which its employees, customers and the general public may be subjected.

R746-340-7. End User Service Standards For All Telecommunications Corporations.

A. Public Telecommunications Services -- A telecommunications corporation providing public telecommunications services shall, excluding documented Allowed Service Disruption events listed under R746-340-1(B)(1):

1. meet minimum voice grade requirements as defined in R746-340-1(B)(19);

2. meet network call completion standards:

a. provide dial tone within three seconds on at least 98 percent of tested calls placed during average daily busy hours each month for each wire center; and

b. assure that no interoffice facilities entirely within a telecommunications corporation's network, except choke network trunks, exceed two percent blocking. Intertandem facilities shall

be governed by R746-365. The minimum engineering design standard applicable to interconnection trunk groups shall be p.02.

R746-340-8. End User Service Standards for Incumbent Telecommunications Corporations with 30,000 or More Access Lines in Utah, Not Subject to Sufficient Competition.

Except, after public notice and hearing, as ordered by the Commission upon finding that sufficient competition exists in a defined geographic area to waive one or more of the following standards and rely upon market operations to ensure adequate end user service quality, each incumbent telecommunications corporation with 30,000 or more access lines in Utah shall comply with the following service standards with respect to tariffed public telecommunications services. An incumbent telecommunications corporation subject to Rule 746-340-8 will not be subject to 54-7-25 penalties for the failure to comply with any of these service standards for any time period of less than three consecutive months, unless the Commission determines, pursuant to a request for agency action by an interested person and proceedings thereon, that the corporation's failure(s) to comply with these standards warrant imposition of such penalties for any such shorter time period.

A. Installations -- Excluding documented Allowed Service Disruption events listed in R746-340-1(B)(1), a telecommunications corporation shall:

1. install 90 percent of all new, transfer, and change orders within three business days or on the customer-requested due dates, whichever is later, on a wire center basis. Beginning July 2001, install 95 percent of all new, transfer, and change orders within three business days or on the customer-requested due dates, whichever is later, on a wire center basis;

2. allow no more than five held orders per 1,000 new, transfer and change orders at the end of any month on a statewide basis for all areas not previously exempted under this rule. Beginning January 1, 2002, allow no more than four held orders per 1,000 new, transfer and change orders at the end of any month on a statewide basis for all areas not previously exempted under this rule;

3. meet 90 percent of all new, transfer and change order installation commitments, excluding customer trouble reports within seven days of initial installation, on a wire center basis, unless the customer requests a later date; and

4. automatically credit \$10 to a residential customer, \$40 to a small business customer, for missing an installation commitment.

B. Repairs -- Excluding documented Allowed Service Disruption Events listed in R746-340-1(B)(1), a telecommunications corporation shall:

1. Repair 80 percent of all out-of-service troubles within one business day, on a wire center basis. Beginning July 1, 2001, repair 85 percent of all out-of-service troubles within one business day, on a wire center basis;

2. repair 90 percent of all troubles within two business days, on a wire center basis;

3. automatically credit \$10 to a residential customer, \$40 to a small business customer, for missing a repair commitment.

4. Trouble reports received after 4:00 p.m. Monday through Friday are deemed received at 8:00 a.m. on the following business day.

C. Billing Requirements -- Excluding documented Allowed Service Disruption events listed in R746-340-1(B)(1), a telecommunications corporation shall:

1. correct a billing error upon receiving a customer request by correcting the error on the customer's account within one week.

2. Maintain and provide to the Division of Public Utilities upon request, evidence documenting its activities, the purposes, dates, volumes, and times of those activities in:

a. making billing corrections within one week, and

b. investigating to determine whether or how to make billing corrections.

D. Disconnection of Service Requirements -- Excluding documented Allowed Service Disruption Events listed in R746-340-1(B)(1), a telecommunications corporation shall:

1. disconnect a customer for nonpayment no earlier than the disconnect date listed on the telecommunications corporation's disconnect notice to the customer; and

2. maintain and provide to the Division of Public Utilities upon request, evidence documenting its activities and the dates of those activities when disconnecting customers no earlier than the disconnect dates specified on their disconnect notices; and disconnecting only those customers eligible to be disconnected.

E. Incoming Repair and Business Office Calls -- Excluding documented Allowed Service Disruption Events listed in R746-340-1(B)(1), a telecommunications corporation shall:

1. assure that incoming repair and business office calls experience no more than a 120-second time in queue on average;

2. beginning January 1, 2001 through July 7, 2001, assure that incoming repair and business office calls experience no more than a 45-second time in queue on average; and

3. beginning July 8, 2001, assure incoming repair and business office calls experience no more than a 35-second time in queue on average.

R746-340-9. Reporting Requirements For Compliance with R746-340-8 Standards.

A. Reporting Requirements -- A telecommunications corporation, subject to R746-340-8, shall separately document the specific cause, the duration, and the magnitude of each failure to comply with a R746-340-8 requirement. A telecommunications corporation shall provide quarterly service quality monitoring reports covering the measures listed under R746-340-8. Monthly results will be recorded, summarized, and reported quarterly and on a wire-center basis as applicable. Wire-center specific data shall be treated as proprietary until 120 days after the close of the last month reflected in the report.

B. Monthly Results -- For each requirement, the reported monthly results shall measure outcomes both meeting and not meeting the R746-340-8 standards.

C. Audits of Service Outcomes or Complaints -- A telecommunications corporation shall cooperate in Division of Public Utilities' audits regarding its service outcomes or Commission complaints regarding those outcomes.

KEY: procedure, telecommunications, telephone utility regulation
 [1988]2001 54-4-1
 Notice of Continuation June 26, 1998 54-4-14
 54-4-23[
 54-2-1(24)]

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: None--The amendment clarifies an issue discussed at the hearing but does not change the procedure for refunds.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
 Tax Commission
 Property Tax
 Tax Commission Building
 210 North 1950 West
 Salt Lake City, UT 84134, or
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
 Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or by Internet E-mail at phendric@tax.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Pam Hendrickson, Commissioner

**Tax Commission, Property Tax
 R884-24P-65**

**Proportional Assessment of Transitory
 Personal Property Pursuant to Utah
 Code Ann. Section 59-2-402**

NOTICE OF PROPOSED RULE
 (Amendment)
 DAR FILE NO.: 23316
 FILED: 11/14/2000, 16:25
 RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Section 59-2-402 provides that if transitory personal property, for which taxes have been paid, is removed from the state prior to December, the amount of the property may receive a refund of the proportionate share of taxes paid.

SUMMARY OF THE RULE OR CHANGE: Proposed amendment clarifies that both transitory personal property in the state on January 1 and transitory personal property that is proportionally assessed may receive a refund of taxes if that property is removed from the state.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 59-2-402

ANTICIPATED COST OR SAVINGS TO:
 ♦THE STATE BUDGET: None--The amendment clarifies that the statutory provision for a refund applies to transitory personal property in the state on January 1. This amendment reflects Tax Commission practice.
 ♦LOCAL GOVERNMENTS: None--The amendment clarifies that the statutory provision for a refund applies to transitory personal property in the state on January 1. This amendment reflects Tax Commission practice.
 ♦OTHER PERSONS: None--The amendment clarifies that the statutory provision for a refund applies to transitory personal property in the state on January 1. This amendment reflects Tax Commission practice.
 COMPLIANCE COSTS FOR AFFECTED PERSONS: None--The amendment clarifies that the statutory provision for a refund applies to transitory personal property in the state on January 1. This amendment reflects Tax Commission practice.

**R884. Tax Commission, Property Tax.
 R884-24P. Property Tax.
 R884-24P-65. [Proportional]Assessment of Transitory
 Personal Property Pursuant to Utah Code Ann. Section 59-2-402.**

- A. "Transitory personal property" means tangible personal property that is used or operated primarily at a location other than a fixed place of business of the property owner or lessee.
- B. Transitory personal property in the state on January 1 shall be assessed at 100 percent of fair market value.
- C. Transitory personal property that is not in the state on January 1 is subject to a proportional assessment when it has been in the state for 90 consecutive days in a calendar year.
 - 1. The determination of whether transitory personal property has been in the state for 90 consecutive days shall include the days the property is outside the state if, within 10 days of its removal from the state, the property is:
 - a) brought back into the state; or
 - b) substituted with transitory personal property that performs the same function.
 - D. Once transitory personal property satisfies the conditions under C., tax shall be proportionally assessed for the period:
 - 1. beginning on the first day of the month in which the property was brought into Utah; and
 - 2. for the number of months remaining in the calendar year.
 - E. An owner of taxable transitory personal property who removes the property from the state prior to December and who qualifies for a refund of taxes[proportionally] assessed and paid, shall receive a refund based on the number of months remaining in the calendar year at the time the property is removed from the state and for which the[proportionally assessed] tax has been paid.

1. The refund provisions of this subsection apply to transitory personal property taxes assessed under B. and C.

[F-]2. For purposes of determining the refund under [E-]this subsection, any portion of a month remaining shall be counted as a full month.

[G-]E. If tax has been paid for transitory personal property and that property is subsequently moved to another county in Utah:

1. No additional assessment may be imposed by any county to which the property is subsequently moved; and

2. No portion of the assessed tax may be transferred to the subsequent county.

KEY: taxation, personal property, property tax, appraisal

[December 14, 1999]2001

Notice of Continuation May 8, 1997

59-2-402



Transportation, Program Development **R926-6**

Transportation Corridor Preservation Revolving Loan Fund

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23311

FILED: 11/14/2000, 11:58

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Subsection 72-2-117.7(c) authorizes the Utah Transportation Commission to establish this rule.

SUMMARY OF THE RULE OR CHANGE: This rule establishes procedures for: the Utah Department of Transportation (UDOT) to apply for fund monies, the Utah Transportation Commission to award fund monies and the repayment conditions, and the establishment of an advisory council to assist in corridor preservation efforts. Priority shall be given to cost effective preservation projects which maximize cost savings for future transportation right of way acquisitions. Council membership is defined. UDOT responsibilities are listed. Repayment conditions are described.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 72-2-117.7(c)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: Cost savings expected by preserving right of way for transportation projects and avoiding large appreciation and inflation increases in property values. The exact amount is not known, as the amount varies based on the project but often property values increase

significantly between the planning phase and construction phase of a project.

❖LOCAL GOVERNMENTS: See Aggregate Anticipated cost and savings to State Budget.

❖OTHER PERSONS: See Aggregate Anticipated cost and savings to State Budget.

COMPLIANCE COSTS FOR AFFECTED PERSONS: See Aggregate Anticipated cost and savings to State Budget.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: No impact--Advance purchase of property from individuals or businesses will free up capital, otherwise locked up in real estate.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Transportation
Program Development
Calvin Rampton Building
4501 South 2700 West
PO Box 143600
Salt Lake City, UT 84114-3600, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

John L. Quick, P.E. at the above address, by phone at (801) 965-4808, by FAX at (801) 965-4551, or by Internet E-mail at jquick@dot.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Max Ditlevson, Director

R926. Transportation, Program Development.

R926-6. Transportation Corridor Preservation Revolving Loan Fund.

R926-6-1. Purpose and Authority.

(1) Subsection 72-2-117.7(c)~~[27-12-103.6(7)]~~ authorizes the Utah Transportation Commission to establish this rule. The purpose of this rule is to establish procedures for:

(a) the Utah Department of Transportation to apply for fund monies;

(b) the Utah Transportation Commission to award fund monies; and

(c) repayment conditions~~[-]; and~~

(d) establishing an advisory council to assist in the corridor preservation efforts.

R926-6-2. Definitions.

(1) "Commission" means the Utah Transportation Commission.

(2) "UDOT" means the Utah Department of Transportation.

(3) "Council"~~["Committee"]~~ means the Utah Transportation Corridor Preservation Advisory Committee Council~~[Committee]~~.

(4) "Corridor" means a strip of land between two termini within which traffic, topography, environment and other characteristics are evaluated for transportation purposes.

(5) "Fund" means the Transportation Corridor Preservation Revolving Loan Fund.

R926-6-3. Utah Transportation Preservation Advisory Council~~[Committee]~~.

(1) UDOT shall establish a council committee to provide recommendations and priorities concerning the use of fund monies to the commission, assist in prioritizing requests for funding. The council committee shall be chaired by the UDOT Engineer for Transportation Planning. Additional committee members shall be chief, UDOT Right of Way Division, Two commission members selected by the Chairman of the commission and any additional members appointed by the commission and a representative with relevant technical expertise or experience from each of the following:

- (a) Bear River Association of Governments;
- (b) Five County Association of Governments;
- (c) Mountainland Association of Governments;
- (d) Six-County Association of Governments;
- (e) Southeastern Association of Governments;
- (f) Uintah Basin Association of Governments; and
- (g) Wasatch Front Regional Council.~~[(1) UDOT may establish a committee to assist in prioritizing requests for funding. The committee shall be chaired by the UDOT Engineer for Transportation Planning. Additional committee members shall be chief, UDOT Right of Way division, and a representative with relevant technical expertise or experience from each of the following:~~

~~— (a) Bear River Association of Governments;~~
~~— (b) Five County Association of Governments;~~
~~— (c) Mountainland Association of Governments;~~
~~— (d) Six-County Association of Governments;~~
~~— (e) Southeastern Association of Governments;~~
~~— (f) Uintah Basin Association of Governments; and~~
~~— (g) Wasatch Front Regional Council.]~~

R926-6-4. Council~~[Committee]~~ Responsibilities.

The council~~[committee]~~ shall receive and review all requests for monies from the fund; and shall prioritize such requests based upon Subsections 72-2-117.7(a) and (b)~~[27-12-103.6(7)(b)]~~. Priority shall be given to cost[-]effective preservation projects which maximize cost savings for future transportation right of way acquisitions.

R926-6-5. UDOT Responsibilities.

(1) In addition to the specified statutory considerations, UDOT may also:

- (a) review requests and determine if sufficient studies have been completed in a corridor to:
 - (i) identify environmentally sensitive areas;
 - (ii) determine feasible alignments; and
 - (iii) allow for adequate public involvement.
- (b) forward council~~[committee]~~ recommendations to the commission and request commission approval for funding specific corridors;

(c) acquire real property or any interest in real property necessary for corridor preservation in corridors authorized by the commission;

(d) manage monies of the fund; and

(e) administer repayment contracts with counties and municipalities.

R926-6-6. Procedure for the Awarding of Fund Monies.

Requests for monies shall be directed to the council for review and prioritization based upon Section R926-6-4. The results of the evaluation of requests shall be forwarded to the Commission. The Commission shall review the recommendations of the Council as well as any other pennant factors and approve, adjust, or reject the recommended expenditures in accordance with Section 27-2-117(4a).

~~[R926-6-6]~~**R926-6-7. Repayment Conditions.**

The commission may determine a loan repayment schedule. All corridor preservation loans shall be paid back according to the approved loan repayment schedule or the earlier of: when the remainder of the right of way has been acquired; or when the project has been advertised for construction. If the commission determines an alignment for a transportation project is not feasible and property for the alignment was purchased under this program, the property shall be disposed of in accordance with Section 72-5-111~~[27-12-97]~~. All loan repayments together with rents, lease proceeds, profits, and monies resulting from the sale of excess properties shall be returned to the fund.

KEY: transportation, transportation corridor preservation revolving loan fund, transportation planning, right of way
~~[October 24, 1997]~~**2001** 72-2-117.7(c)~~[27-12-103.6(7)]~~



End of the Notices of Proposed Rules Section

NOTICES OF CHANGES IN PROPOSED RULES

After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends January 2, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through March 31, 2001, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

The Changes in Proposed Rules Begin on the Following Page.

Environmental Quality, Solid and
Hazardous Waste
R315-315-8
(Second)
Petroleum Contaminated Soils

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22858
FILED: 11/09/2000, 15:08
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule is changed to address comments received in the comment period that ended October 2, 2000.

SUMMARY OF THE RULE OR CHANGE: The term "petroleum contaminated soils" is defined as soils that have been contaminated with either diesel or gasoline or both. Also, the levels of total petroleum hydrocarbons that were specified in the rule are deleted.

(DAR Note: This is the second change in proposed rule (CPR) for R315-315-8. The original amendment upon which the first CPR was based was published in June 1, 2000, issue of the *Utah State Bulletin*. The first CPR upon which this second CPR is based was published in the September 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-6-105

ANTICIPATED COST OR SAVINGS TO:

❖**THE STATE BUDGET:** State entities that generate soils that are contaminated with low levels of diesel or gasoline may experience a decrease in disposal costs for these soils since they may be disposed at a Class IV Landfill (construction/demolition landfill) which generally has a lower tipping fee than other classes of landfills. An estimate of the aggregate cost savings to the state budget cannot be made. The Division has no way of knowing or estimating the numbers of fuel spills or the numbers of leaky underground fuel storage tanks that will need clean-up action for each of the listed entities. Nor is the Division able to know or estimate the total tons of diesel or gasoline contaminated soils that will be generated from these spills or clean-up activities that would meet the levels of contamination specified for disposal in a Class IV Landfill (construction/demolition landfill). Estimates such as these would take many months of effort, a great amount of money, and would have a high probability of being very inaccurate.

❖**LOCAL GOVERNMENTS:** Local governments that generate soils that are contaminated with low levels of diesel or gasoline may experience a decrease in disposal costs for these soils since they may be disposed at a Class IV Landfill (construction/demolition landfill) which generally has a lower tipping fee than other classes of landfills. An estimate of the aggregate cost savings to local

governments cannot be made. The Division has no way of knowing or estimating the numbers of fuel spills or the numbers of leaky underground fuel storage tanks that will need clean-up action for each of the listed entities. Nor is the Division able to know or estimate the total tons of diesel or gasoline contaminated soils that will be generated from these spills or clean-up activities that would meet the levels of contamination specified for disposal in a Class IV Landfill (construction/demolition landfill). Estimates such as these would take many months of effort, a great amount of money, and would have a high probability of being very inaccurate.

❖**OTHER PERSONS:** Other persons that generate soils that are contaminated with low levels of diesel or gasoline may experience a decrease in disposal costs for these soils since they may be disposed at a Class IV Landfill (construction/demolition landfill) which generally has a lower tipping fee than other classes of landfills. An estimate of the aggregate cost savings to other persons cannot be made. The Division has no way of knowing or estimating the numbers of fuel spills or the numbers of leaky underground fuel storage tanks that will need clean-up action for each of the listed entities. Nor is the Division able to know or estimate the total tons of diesel or gasoline contaminated soils that will be generated from these spills or clean-up activities that would meet the levels of contamination specified for disposal in a Class IV Landfill (construction/demolition landfill). Estimates such as these would take many months of effort, a great amount of money, and would have a high probability of being very inaccurate.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Affected persons that generate soils that are contaminated with low levels of diesel or gasoline may experience a decrease in disposal costs for these soils since they may be disposed at a Class IV Landfill (construction/demolition landfill) which generally has a lower tipping fee than other classes of landfills. If these contaminated soils meet the proposed standard for disposal at a construction/demolition landfill, it is estimated that a cost savings of approximately \$10 to \$35 per ton of waste could be realized. Current Division of Environmental Response and Remediation management requirements for these contaminated soils call for the soils to be tested prior to treatment or disposal. Therefore, there will be no anticipated cost increase for the testing of these soils beyond that currently required.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Businesses that generate soils contaminated with diesel or gasoline may realize a cost savings of approximately \$10 to \$35 per ton of waste if the level of contamination is low enough to allow the soils to be disposed in a construction/demolition landfill instead of another class of landfill. Dianne R. Nielson

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality
Solid and Hazardous Waste
Cannon Health Building
288 North 1460 West

PO Box 144880
Salt Lake City, UT 84114-4880, or
at the Division of Administrative Rules.

Human Services, Administration,
Administrative Services, Licensing
R501-7
Child Placing Agencies

DIRECT QUESTIONS REGARDING THIS RULE TO:
Carl E. Wadsworth at the above address, by phone at
(801) 538-6170, by FAX at (801) 538-6715, or by Internet
E-mail at eqshw.cwadswor@state.ut.us.

NOTICE OF CHANGE IN PROPOSED RULE

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS
RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS
ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

DAR FILE No.: 23121
FILED: 11/15/2000, 12:57
RECEIVED BY: NL

THIS RULE MAY BECOME EFFECTIVE ON: 01/05/2001

RULE ANALYSIS

AUTHORIZED BY: Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Correct
a typing error.

R315. Environmental Quality, Solid and Hazardous Waste.

R315-315. Special Waste Requirements.

R315-315-8. Petroleum Contaminated Soils.

(1) Terms used in Section R315-315-8 are defined in
Section R315-301-2. In addition, for the purpose of Section
R315-315-8, the following definition applies: "Petroleum
contaminated soils" means soils that have been contaminated with
either diesel or gasoline or both.

SUMMARY OF THE RULE OR CHANGE: Correct an error which
identified child placing as placing a child under 28 years of
age. It should be 18 years of age.

(DAR Note: The original amendment upon which this CPR
was based was published in September 15, 2000, issue of
the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR
THIS RULE: Sections 62A-2-101 through 62A-2-121

~~(2)~~(2) Petroleum contaminated soils that are not a
hazardous waste may be accepted for disposal at a:

ANTICIPATED COST OR SAVINGS TO:

- (a) Class I Landfill;
- (b) Class II Landfill[-];
- (c) Class III Landfill; or
- (d) Class V Landfill, except for a Class V Landfill that is
permitted to accept exclusively construction/demolition waste.

❖THE STATE BUDGET: There is no impact to State budget.
This corrects a typing error.

~~(3)~~(3) Petroleum contaminated soils containing
~~petroleum materials~~the following constituents at or below the
following levels and are otherwise not a hazardous waste, may be
accepted for disposal at a Class IV Landfill ~~or a Class V Landfill
that is permitted to accept exclusively construction/demolition
waste~~:[

❖LOCAL GOVERNMENTS: There are no costs or savings to
local government as these rules do not apply to local
government.

~~(a)~~ TPH gasoline, 1,500 mg/kg;

❖OTHER PERSONS: There are no costs involved for other
persons. This change corrects a typing error.

~~(b)~~ TPH diesel, 5,000 mg/kg;

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule
change does not require any additional costs for Child
Placing Agencies. This is a typing error correction.

~~(c)~~ TRPH 10,000 mg/kg;]

~~(a)~~(a) Benzene, 0.03 mg/kg;

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT
THE RULE MAY HAVE ON BUSINESSES: No anticipated costs
have been identified in relation to this rule change. The
rule contained a typing error which had to be corrected as it
refers to the age of a child receiving services.

~~(b)~~(b) Ethylbenzene, 13 mg/kg;

~~(c)~~(c) Toluene, 12 mg/kg; and

~~(d)~~(d) Xylenes, 200 mg/kg.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING
REGULAR BUSINESS HOURS, AT:

Human Services
Administration, Administrative Services,
Licensing
Room 303
120 North 200 West
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

KEY: solid waste management, waste disposal

~~2000~~2001

19-6-105

Notice of Continuation April 28, 1998

DIRECT QUESTIONS REGARDING THIS RULE TO:

Gayle Sedgwick at the above address, by phone at (801)
538-4242, by FAX at (801) 538-4553, or by Internet E-mail
at hsadm2.gsedgwic@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Reta D. Oram, Director

R501. Human Services, Administration, Administrative Services, Licensing.
R501-7. Child Placing Agencies.

.....

R501-7-3. Definition.

"Child placing" means the receiving, accepting, or providing of custody or care for a child under ~~28~~18 years of age. Where possible, this shall be done permanently in accordance with 62A-2-101(2), or on a temporary basis.

.....

KEY: licensing, human services, child placing
~~2000~~2001 62A-2-101 et seq.
Notice of Continuation September 2, 1997



Insurance, Administration
R590-200
(Second)
Diabetes Treatment and Management

NOTICE OF CHANGE IN PROPOSED RULE

DAR FILE NO.: 22923
FILED: 11/14/2000, 14:21
RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being changed to assimilate input received during the second comment period and hearing.

SUMMARY OF THE RULE OR CHANGE: In Section R590-200-3 made changes allowing, but not requiring, insurers to ask for preauthorizations and formularies. In Section R590-200-4 made clarifying definitions of terms. In Section R590-200-5 made clarifying the department's interpretation on the opening paragraph of this section; Subsection R590-200-5(1) clarified rules for education; Subsection R590-200-5(2) removed unnecessary wording regarding supplies and equipment to comply with code wording; Subsection R590-200-5(2)(j)-(k) clarification of medical supplies with or without insulin pumps; and Subsection R590-200-5(3) added to comply with code wording.

(DAR Note: This is a second change in proposed rule (CPR) for R590-200. The original new rule upon which the first CPR was based was published in the July 1, 2000, issue of the *Utah State Bulletin*. The first CPR upon which this second CPR is based was published in the November 1, 2000, issue of the *Utah State Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Sections 31A-2-201 and 31A-22-626

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The changes in this rule will not require insurers to change their policy rates or forms which would have increased the amount of fees coming into the department, nor will the changes require additional or reduced work on the part of the Department.

❖LOCAL GOVERNMENTS: This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.

❖OTHER PERSONS: The above changes will not require insurers to change policy forms or increase or decrease policy premiums.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The above changes will not require insurers to change policy forms or increase or decrease policy premiums.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The above changes will not require insurers to change policy forms or increase or decrease policy premiums. As a result consumers will not be affected by these changes.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Insurance
Administration
3110 State Office Building
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at jdmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 01/02/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 12/20/2000, 10:00 a.m., State Office Building (behind the Capitol), Room 3112, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 01/03/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

R590. Insurance, Administration.
R590-200. Diabetes Treatment and Management.

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R590-200-3. Applicability and Scope.

(1) This rule applies to all Health care insurance policies sold in Utah.

(2) This rule does not prohibit an insurer from requesting additional information required to determine eligibility of a claim under the terms of the policy, certificate or both, as issued to the claimant.

(3) This rule does not prohibit or require an insurer ~~from requesting~~;

(a) to request a pre-authorization for comprehensive education benefits if the requirement is stated in the policy.

~~(4) This rule does not prohibit~~ (b) the use of formularies and the use of a tiered approach to formularies if the requirement is stated in the policy.

R590-200-4. Definitions.

For purposes of this rule the commissioner adopts the definitions as particularly set forth in Section 31A-1-301 and in addition, the following:

(1) "Health care insurance" means insurance providing health care benefits or payment of health care expenses incurred, including prescription insurance. Health care insurance does not include accident and health insurance providing benefits for:

- (a) dental and vision;
- (b) income replacement;
- (c) short term accident;
- (d) fixed indemnity;
- (e) credit accident and health;
- (f) supplements to liability;
- (g) workers compensation;
- (h) automobile medical payments;
- (i) no fault automobile;
- (j) ~~medigap~~ Medicare supplement insurance plans;
- (k) equivalent self-insurance; and

(l) any type of accident and health insurance that is a part of or attached to another type of policy.

(2) "Diabetes" means diabetes mellitus a common chronic, serious systemic disorder of energy metabolism that includes a heterogenous group of metabolic disorders that can be characterized by an elevated blood glucose level. The terms diabetes and diabetes mellitus are considered synonymous and defined to include persons using insulin, persons not using insulin, individuals with elevated blood glucose levels induced by pregnancy, or persons with other medical conditions or medical therapies which wholly or partially consist of elevated blood glucose levels.

(3) "Diabetes self-management training" means a program designed to help individuals to learn to manage their diabetes in an outpatient setting. They learn self-management skills that include making lifestyle changes to effectively manage their diabetes and to avoid or delay the complication, hospitalizations and emergency room visits associated with this illness. This training includes medical nutrition therapy.

(4) "Medical equipment" means non-disposable/durable equipment used to treat diabetes[;] and will be treated per the standard deductibles, copayments, out of pocket maximums and coinsurance of the policy.

(5) "Medical nutrition therapy" means the assessment of patient nutritional status followed by therapy including diet

modification, planning and counseling services which are furnished by a registered licensed dietitian.

(6) "Medical supplies" means ~~means~~ the generally accepted single-use items used to manage, monitor, and treat diabetes, and to administer diabetes specific medications. Medical supplies will be treated per the standard deductibles, copayments, out of pocket maximums and coinsurance of the policy.

R590-200-5. Minimum Standards and General Provisions.

~~The commissioner will require that deductibles, copayments and coinsurance of coverage~~ Coverage for the treatment of diabetes ~~are equitable or identical to those~~ is subject to the deductibles, copayments, out-of-pockets maximums and coinsurance of ~~coverage required for the treatment of other illnesses or diseases;~~ the plan.

(1) (a) All health care insurance policies will cover diabetes self-management training and patient management, including medical nutrition therapy, when deemed medically necessary by and prescribed by an attending physician covered by the plan. ~~Training will be provided by an accredited or certified~~ The diabetes self-management education program accepted by the plan upon diagnosis. The program must provide up to 14-hours of initial training, this includes: an individualized assessment for a minimum of one-hour; training up to ten topics and follow-up to assess progress for a minimum of one-hour; and comprehensive education upon a significant change in condition, diagnostic levels or treatment. These Training services must be provided by ~~an accredited or certified program;~~ diabetes self-management training program that is accepted by the plan and is:

~~(a)~~ (i) recognized by the federal Health Care Financing Administration; or

~~(b)~~ (ii) certified by the Department of Health; or

~~(c)~~ (iii) approved or accredited by a national organization certifying standards of quality in the provision of diabetes self-management education.

~~(2) All health care policies will cover the following medical equipment and medical supplies while treating diabetes~~ (b) Diabetes self-management training programs shall be provide upon a health care insurance policy-holder's/dependent's diagnosis with diabetes, upon a significant change in a health care insurance policy-holder's/dependent's diabetes related condition, upon a change in a health care insurance policy-holder's/dependent's diagnostic levels, or upon a change in treatment regimen when deemed medically necessary by [a] and prescribed by an attending physician covered by the plan. Upon a health care insurance policy-holder's/dependent's diagnosis with diabetes self-management training program must provide up to 14-hours of initial training that includes an individualized assessment lasting a minimum of one-hour, training on up to ten diabetes related topics, and a follow-up session lasting a minimum of one hour to assess the health policy-holder's/dependent's progress in managing their diabetes.

(2) All health care policies will cover the following:

(a) blood glucose monitors, including commercially available blood glucose monitors designed for patients use and for persons who have been diagnosed with diabetes;

(b) blood glucose monitors to the legally blind which includes commercially available blood glucose monitors designed

for patient use with adaptive devices and for persons who are legally blind and have been diagnosed with diabetes;

(c) test strips for glucose monitors, which includes test strips whose performance achieved clearance by the FDA for marketing;

(d) visual reading and urine testing strips, which includes visual reading strips for glucose, urine testing strips for ketones, or urine test strips for both glucose and ketones. Using urine test strips for glucose only is not acceptable as the sole method of monitoring blood sugar levels;

(e) lancet devices and lancets for monitoring glyceemic control;

(f) insulin, which includes commercially available insulin preparations including insulin analog preparations available in either vial or cartridge;

(g) injection aides, including those adaptable to meet the needs of the legally blind, to assist with insulin injection;

(h) syringes, which includes insulin syringes, pen-like insulin injection devices, pen needles for pen-like insulin injection devices and other disposable parts required for insulin injection aids;

(i) insulin pumps, which includes insulin infusion pumps[and supplies such as skin preparations, adhesive supplies, infusion sets, cartridges, batteries and other disposable supplies needed to maintain insulin pump therapy. Includes durable and disposable devices used to assist in the injection of insulin]. Insulin pumps will be covered under the plan, and the plan must have a minimum of \$5000 coverage for these devices;

(j) "medical supplies" for use with insulin pumps and insulin infusion pumps to include infusion sets, cartridges, syringes, skin preparation, batteries and other disposable "medical supplies" needed to maintain insulin pump therapy;

(k) "medical supplies" for use with or without insulin pumps and insulin infusion pumps to include durable and disposable devices to assist with the injection of insulin and infusion sets;

(l) prescription oral agents of each class approved by the FDA for treatment of diabetes, and a variety of drugs, when available, within each class; and

~~(m)~~ (m) glucagon kits.

(3) When deemed medically necessary.

.....

KEY: insurance law
[2000]2001

31A-2-201
31A-22-626



**End of the Notices of Changes
in Proposed Rules Section**

FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

Agriculture and Food, Animal Industry **R58-10** Meat and Poultry Inspection

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23305
FILED: 11/08/2000, 16:10
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-32-7, Authorizes the Department of Agriculture and Food to make and enforce rules regarding livestock and poultry.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: These rules establish standards and procedures for the meat and poultry product inspection programs.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food
Animal Industry
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Doug Pearson or Chris Crnich at the above address, by phone at (801) 538-7144 or (801) 538-7117, by FAX at

(801) 538-7126, or Internet E-mail at dpearson@state.ut.us or ccnich@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 11/08/2000



Agriculture and Food, Marketing and Conservation **R65-10** Agriculture Resource Development Loans (ARDL)

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23307
FILED: 11/13/2000, 08:15
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-18-5, authorizes the Department of Agriculture and Food to adopt rules necessary to carry out the powers and duties of the ARDL program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The objectives of the ARDL program are to conserve soil and

water resources of the state, increase agriculture yields for croplands, orchards, pastures, range and livestock, maintain and improve water quality. The funds appropriated for these projects are allocated annually through this program.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Agriculture and Food
Marketing and Conservation
350 North Redwood Road
PO Box 146500
Salt Lake City, UT 84114-6500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Koy Page at the above address, by phone at (801) 538-7172, by FAX at (801) 538-7126, or Internet E-mail at kpage@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 11/13/2000

Americans Act was reauthorized November 13, 2000 and contains provisions for Respite Care, which will need to be incorporated into the Rule. The Rule will be amended when the new provisions are included.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Human Services
Aging and Adult Services
Room 325, Department of Human Services
120 North 200 West
PO Box 45500
Salt Lake City, UT 84145-0500, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sally Anne Brown at the above address, by phone at (801) 538-8250, by FAX at (801) 538-4395, or Internet E-mail at sbrown@hs.state.ut.us.

AUTHORIZED BY: Helen Goddard, Director

EFFECTIVE: 11/15/2000



Human Services, Aging and Adult Services

R510-401

Caregiver Respite Services for Caregivers or Care Receivers 60 Years of Age and Over

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23325
FILED: 11/15/2000, 14:21
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: The Rule describes how Respite Care is delivered across the state to caregivers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: All 12 implementation agencies support continuation of the Rule as written.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The Older

Human Services, Child and Family Services

R512-70

Composition and Operation of the Consumer Hearing Panel, and the Requirements for Filing a Complaint with the Panel

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23314
FILED: 11/14/2000, 14:02
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is established pursuant to Subsection 62A-4a-102(4). This rule defines the composition and operation of the Consumer Hearing Panel and the requirements for filing a complaint.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The statutory requirement for the Consumer Hearing Panel is still in force and the need for a rule to guide the composition and operations of the Panel.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Human Services
Child and Family Services
Room 225
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or Internet E-mail at hsdadmin1.sbradfor@state.ut.us.

AUTHORIZED BY: Ken Patterson, Division Director

EFFECTIVE: 11/14/2000



Human Services, Child and Family
Services
R512-75
Rules Governing Adjudication of
Consumer Complaints

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23315
FILED: 11/14/2000, 14:11
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is established pursuant to Subsection 62A-4a-102(4). This rule defines consumer complaint procedures to provide prompt and equitable resolution of consumer complaints filed in accordance with this rule.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments have been received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The statutory

requirement for the adjudication of consumer complaints is still in force and also the need for a rule to guide prompt and equitable solution of these complaints.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Human Services
Child and Family Services
Room 225
120 North 200 West
Salt Lake City, UT 84103, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Steven Bradford at the above address, by phone at (801) 538-8210, by FAX at (801) 538-3993, or Internet E-mail at hsdadmin1.sbradfor@state.ut.us.

AUTHORIZED BY: Ken Patterson, Division Director

EFFECTIVE: 11/14/2000



Money Management Council,
Administration
R628-13
Collateralization of Public Funds

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23301
FILED: 11/07/2000, 13:51
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 51-7-18.1 of the Money Management Act allows the Council to require a qualified depository that has gone over its maximum allotment to either surrender those public funds, or if the council votes, they may allow the qualified depository to pledge collateral for those deposits that are over the maximum allotment. The Act in Subsection 51-7-18(3) only allows the Council to make rules requiring collateral in the case of a qualified depository going over its maximum allotment.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH

COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule needs to be in effect to protect public funds in the event that a public entity brings in a large block of funds to pay for a project and has to hold the funds in their bank for a month or so before distributing them and in doing so, places the institution over their allotment. Another possible reason for collateralization that needs to be covered is if an institutions allotment drops quickly and they happen to be holding public funds over the new allotment amount. This rule would allow for collateralization until the funds could be moved out in a timely manner.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Money Management Council
Administration
215 State Capitol
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ann Pedroza at the above address, by phone at (801) 538-1883, by FAX at (801) 538-1465, or Internet E-mail at apedroza@state.ut.us.

AUTHORIZED BY: Edward T. Alter, Treasurer

EFFECTIVE: 11/07/2000

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule helps protect public funds by requiring each agent on the list to sign a affidavit stating that they have read the Money Management Act and agree to abide by it. Public treasurers appreciate knowing that there is some knowledge of the Act by the broker. Also having a specific list of dealers that a public treasurer can work with eliminates possible problems.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Money Management Council
Administration
215 State Capitol
Salt Lake City, UT 84114, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Ann Pedroza at the above address, by phone at (801) 538-1883, by FAX at (801) 538-1465, or Internet E-mail at apedroza@state.ut.us.

AUTHORIZED BY: Edward T. Alter, Treasurer

EFFECTIVE: 11/03/2000

Money Management Council,
Administration
R628-16
Certification as a Dealer

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 23299
FILED: 11/03/2000, 15:25
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 51-7-18(2)(b)(v) allows the Council to make rules governing the conditions and procedures for a broker dealer to become certified by the Council to work with public treasurers.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

Public Safety, Highway Patrol
R714-500
Chemical Analysis Standards and
Training

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION
DAR FILE NO.: 23294
FILED: 11/02/2000, 14:03
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized by Subsection 41-6-44.3(1) which requires the commissioner of the Department of Public Safety to establish standards for training and for the administration and interpretation of chemical analysis of a person's breath.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The rule should be continued because it is necessary for the department to establish procedures to certify breath alcohol testing instruments, programs, operators, technicians, program supervisors, and adjudicative proceedings regarding such procedures.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued because it defines terms necessary to administer the Private Investigator Regulation Act, advises private investigator applicants how to apply for licensure, and addresses fees, identification cards, records access, and adjudicative proceedings.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Highway Patrol
First Floor Calvin L. Rampton Complex
4501 South 2700 West
PO Box 84114-1100
Salt Lake City, UT 84114-1100, or
at the Division of Administrative Rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety
Law Enforcement and Technical Services,
Regulatory Licensing
3888 West 5400 South
PO Box 148280
Salt Lake City, UT 84114-8230, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

J. Francis Valerga at the above address, by phone at (801) 965-4461, by FAX at (801) 965-4608, or Internet E-mail at psdomain.psmain.jfvalerg@email.state.ut.us.

DIRECT QUESTIONS REGARDING THIS RULE TO:

J. Francis Valerga at the above address, by phone at (801) 965-4463, by FAX at (801) 965-4608, or Internet E-mail at psdomain.psmainjfvalerg@email.state.ut.us.

AUTHORIZED BY: Colonel Richard A. Greenwood, Superintendent

AUTHORIZED BY: Lieutenant Colonel Herb Katz, Director

EFFECTIVE: 11/02/2000

EFFECTIVE: 11/02/2000

Public Safety, Law Enforcement and
Technical Services, Regulatory
Licensing
R724-9

Licensing of Private Investigators

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23293
FILED: 11/02/2000, 14:03
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Title 53, Chapter 9, the "Private Investigator Regulation Act," governs private investigators in Utah. Subsection 53-9-103(6) of the act authorizes the commissioner to make this rule to administer the act.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None.

Public Service Commission,
Administration
R746-341
Lifeline Rule

**FIVE-YEAR NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23326
FILED: 11/15/2000, 14:47
RECEIVED BY: NL

**NOTICE OF REVIEW AND
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized pursuant to Section 54-8b-10 which requires the commission to establish a program whereby any certified deaf or severely hearing or speech impaired customer of a telephone corporation which provides service through a local exchange may obtain a telecommunication device capable of serving the customer at no charge to him beyond the rate for basic service; and requires the commission to impose a surcharge on each residence and business access line of each customer to the local exchange of any telephone corporation providing such lines in this state to cover the costs of the program.

The commission shall establish by rule the amount to be charged, which may not exceed 25 cents per residence and business access line. The telephone corporation shall collect the surcharge from its customers and transfer the money collected to the commission under rules adopted by the commission. The surcharge shall be separately identified on customer bills. Subsection 54-8b-15(7) requires the commission to establish rules that: to the extent not funded by a federal universal service fund or other federal jurisdictional revenues or by the fund established pursuant to Section 54-8b-12, the fund shall be used to defray the costs, as determined by the commission, of any qualifying telecommunications corporation in providing public telecommunications services to customers that qualify for a commission-approved lifeline program.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments have been received since the five-year review in 1995.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule must be continued in order to maintain the lifeline program for low-income customers. This rule sets out eligibility, service and funding requirements.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Public Service Commission
Administration
Fourth Floor Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84145, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or Internet E-mail at bstroud@state.ut.us.

AUTHORIZED BY: Barbara Stroud, (Designee) Paralegal

EFFECTIVE: 11/15/2000

◆ _____ ◆
Public Service Commission,
Administration
R746-407
Annualization of Test-Year Data

FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE No.: 23327
FILED: 11/15/2000, 14:47
RECEIVED BY: NL

NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: This rule is authorized pursuant to Section 54-1-1 which requires the Commission to exercise its rulemaking powers, and to do all things, whether specifically designated or in addition thereto, which are necessary or convenient in the exercise of its power and jurisdiction to supervise and regulate every public utility and Subsection 54-4-4(3) states, "the commission, in its determination of just and reasonable rates, may consider recent changes in the utility's financial condition or changes reasonably expected, but not speculative in the utility's revenues, expenses or investments and may adopt an appropriate future test period, not exceeding twelve months from the date of filing, including projections or projections together with a period of actual operations in determining the utility's test year for ratemaking purposes."

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The commission has received no written comments since the five-year review and continuation of this rule in 1995.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section 54-1-1 and Subsection 54-4-4(3) continue to authorizes this rule. The requirements for determining the utility's test year for ratemaking purposes continues to be necessary.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:
Public Service Commission
Administration
Fourth Floor Heber M. Wells Building
160 East 300 South
Salt Lake City, UT 84145, or
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:
Sandy Mooy or Barbara Stroud at the above address, by phone at (801) 530-6716, by FAX at (801) 530-6796, or Internet E-mail at bstroud@state.ut.us.

AUTHORIZED BY: Barbara Stroud, (Designee) Paralegal

EFFECTIVE: 11/15/2000

◆ _____ ◆

NOTICES OF RULE EFFECTIVE DATES

These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

Abbreviations

AMD = Amendment
CPR = Change in Proposed Rule
NEW = New Rule
R&R = Repeal and Reenact
REP = Repeal

Commerce

Occupational and Professional Licensing

No. 23140 (AMD): R156-31b. Nurse Practice Act Rules.

Published: October 1, 2000
Effective: November 9, 2000

No. 23146 (AMD): R156-60a-502. Unprofessional Conduct.

Published: October 1, 2000
Effective: November 7, 2000

No. 23147 (AMD): R156-60b. Marriage and Family Therapist Licensing Act Rules.

Published: October 1, 2000
Effective: November 7, 2000

Real Estate

No. 23174 (AMD): R162-102. Application Procedures.

Published: October 15, 2000
Effective: November 15, 2000

No. 23175 (AMD): R162-105. Scope of Authority.

Published: October 15, 2000
Effective: November 15, 2000

Environmental Quality

Air Quality

No. 23014 (AMD): R307-214. National Emission Standards for Hazardous Air Pollutants.

Published: August 1, 2000
Effective: November 2, 2000

Water Quality

No. 23029 (AMD): R317-100. Utah State Project Priority System and List for the Utah Wastewater Project Assistance Program.

Published: August 15, 2000
Effective: November 10, 2000

Health

Health Systems Improvement, Child Care Licensing

No. 23091 (AMD): R430-90. Licensed Family Child Care.

Published: September 1, 2000
Effective: November 2, 2000

Health Systems Improvement, Health Facility Licensure

No. 23113 (AMD): R432-1. General Health Care Facility Rules.

Published: September 15, 2000
Effective: November 6, 2000

No. 23114 (AMD): R432-700. Home Health Agency Rule.

Published: September 15, 2000
Effective: November 6, 2000

No. 23115 (AMD): R432-750. Hospice Rule.

Published: September 15, 2000
Effective: November 6, 2000

Human Services

Recovery Services

No. 23148 (AMD): R527-550. Assessment.

Published: October 1, 2000
Effective: November 16, 2000

Insurance

Administration

No. 23160 (AMD): R590-160-8. Agency Review.

Published: October 1, 2000
Effective: November 14, 2000

Labor Commission

Industrial Accidents

No. 23150 (NEW): R612-6. Notification of Workers' Compensation Insurance Coverage.

Published: October 1, 2000
Effective: November 6, 2000

Public Safety

Driver License

No. 23145 (AMD): R708-7. Functional Ability in Driving: Guidelines for Physicians.

Published: October 1, 2000
Effective: November 7, 2000

NOTICES OF RULE EFFECTIVE DATES

Tax Commission

Auditing

DAR correction notice: In the November 15, 2000, *Bulletin*, an effective notice for an amendment on R865-20T-11 was printed with a DAR No. of 13130. The correct DAR No. is 23130. The notice should have been:

No. 23230 (AMD): R865-20T-11. Reporting of Imported Cigarettes Pursuant to Utah Code Ann. Section 59-14-212.

Published: September 15, 2000

Effective: November 1, 2000

End of the Notices of Rule Effective Dates Section

**RULES INDEX
BY AGENCY (CODE NUMBER)
AND
BY KEYWORD (SUBJECT)**

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2000, including notices of effective date received through November 15, 2000, the effective dates of which are no later than December 1, 2000. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

RULES INDEX - BY AGENCY (CODE NUMBER)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
ADMINISTRATIVE SERVICES					
<u>Administrative Rules</u>					
R15-1	Administrative Rule Hearings	23225	5YR	10/16/2000	2000-21/67
R15-2	Public Petitioning for Rulemaking	23226	5YR	10/16/2000	2000-21/67
R15-3	Definitional Clarification of Administrative Rule	23227	5YR	10/16/2000	2000-21/68
R15-4	Administrative Rulemaking Procedures	23228	5YR	10/16/2000	2000-21/69
R15-5	Administrative Rules Adjudicative Proceedings	23229	5YR	10/16/2000	2000-21/69
R15-6	Rulemaking Decision and Administrative Record	23230	5YR	10/16/2000	2000-21/70
<u>Facilities Construction and Management</u>					
R23-2	Procurement of Architectural and Engineering Services	22821	5YR	05/04/2000	2000-11/101
<u>Finance</u>					
R25-7	Travel-Related Reimbursements for State Employees	22836	AMD	see CPR	2000-11/4
R25-7	Travel-Related Reimbursements for State Employees	22836	CPR	09/02/2000	2000-14/54

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Fleet Operations</u>					
R27-1 (Changed to R27-10)	Identification Mark for State Motor Vehicles	22728	AMD	06/01/2000	2000-9/2
R27-1	Definitions	22977	NEW	10/16/2000	2000-14/6
R27-2	Fleet Operations Adjudicative Proceedings	22807	NSC	05/23/2000	Not Printed
R27-3	Vehicle Use Standards	23210	NEW	10/17/2000	2000-18/4
R27-10	Identification Mark for State Motor Vehicles	22808	NSC	06/26/2000	Not Printed
<u>Fleet Operations, Surplus Property</u>					
R28-1	State Surplus Property Disposal	22729	AMD	06/01/2000	2000-9/3
R28-3	Utah State Agency for Surplus Property Adjudicative Proceedings	22809	NSC	05/23/2000	Not Printed
<u>Purchasing and General Services</u>					
R33-3	Source Selection and Contract Formation	22678	AMD	06/15/2000	2000-6/3
R33-5	Construction and Architect-Engineer Selection	22679	AMD	06/15/2000	2000-6/10
R33-5-510	Application	22971	NSC	08/01/2000	Not Printed
<u>Records Committee</u>					
R35-2	Declining Appeal Hearings	22787	NSC	05/23/2000	Not Printed
<u>Risk Management</u>					
R37-1	Risk Management General Rules	23243	NSC	11/01/2000	Not Printed
R37-2	Risk Management State Workers' Compensation Insurance Administration	23244	NSC	11/01/2000	Not Printed
R37-3	Risk Management Adjudicative Proceedings	23245	NSC	11/01/2000	Not Printed
AGRICULTURE AND FOOD					
<u>Animal Industry</u>					
R58-1	Admission and Inspection of Livestock, Poultry, and Other Animals	22930	AMD	08/02/2000	2000-13/3
R58-7	Livestock Markets, Satellite Video Livestock Auction market, Livestock Sales, Dealers, and Livestock Market Weighpersons	23249	5YR	10/19/2000	2000-22/79
R58-7-2	Definitions	22913	AMD	07/18/2000	2000-12/5
R58-10	Meat and Poultry Inspection	23305	5YR	11/08/2000	2000-23/63
R58-14	Holding Live Racoons or Coyotes in Captivity	22905	AMD	07/18/2000	2000-12/5
R58-17	Aquaculture and Aquatic Animal Health	22931	5YR	06/15/2000	2000-13/73
R58-17-2	Definitions	22879	NSC	06/26/2000	Not Printed
R58-17-15	Aquatic Animal Health Approval	23109	AMD	10/17/2000	2000-18/8
R58-18	Elk Farming	22932	AMD	08/02/2000	2000-13/7
R58-18	Elk Farming	23132	AMD	10/17/2000	2000-18/9
R58-20	Domesticated Elk Hunting Parks	22933	AMD	08/02/2000	2000-13/10
R58-21	Trichomoniasis	22934	NEW	08/02/2000	2000-13/11
R58-21-3	Trichomoniasis - Rules - Prevention and Control	23088	NSC	09/01/2000	Not Printed
R58-22	Equine Infectious Anemia (EIA)	22935	NEW	08/02/2000	2000-13/12

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Marketing and Conservation</u>					
R65-10	Agriculture Resource Development Loans (ARDL)	23307	5YR	11/13/2000	2000-23/63
<u>Plant Industry</u>					
R68-2	Utah Commercial Feed Act Governing Feed	22753	NSC	05/01/2000	Not Printed
R68-3	Utah Fertilizer Act Governing Fertilizers and Soil Amendments	23218	5YR	10/13/2000	2000-21/71
R68-8-7	Labeling of Agricultural Seed Varieties	22646	AMD	05/30/2000	2000-5/4
R68-20	Utah Organic Standards	23122	NEW	10/17/2000	2000-18/11
<u>Regulatory Services</u>					
R70-310	Grade A Pasteurized Milk	22657	5YR	02/10/2000	2000-5/64
R70-310	Grade A Pasteurized Milk	22658	AMD	04/03/2000	2000-5/5
R70-310-2	Adoption of USPHS Ordinance	22707	NSC	05/01/2000	Not Printed
R70-630	Water Vending Machine	22596	5YR	01/11/2000	2000-3/91
R70-630	Water Vending Machine	22597	AMD	03/03/2000	2000-3/5
ALCOHOLIC BEVERAGE CONTROL					
<u>Administration</u>					
R81-1-3	General Policies	23038	AMD	10/02/2000	2000-16/4
R81-1-7	Disciplinary Hearings	22639	AMD	03/27/2000	2000-4/4
R81-1-12	Alcohol Training and Education Seminar	22752	NSC	05/01/2000	Not Printed
R81-1-12	Alcohol Training and Education Seminar	22812	AMD	07/03/2000	2000-10/4
R81-3	Package Agencies	23040	AMD	10/02/2000	2000-16/5
CAPITOL PRESERVATION BOARD (STATE)					
<u>Administration</u>					
R131-1	Procurement of Architectural and Engineering Services	22572	NEW	03/13/2000	2000-2/5
R131-2	Capitol Hill Facility Use	22568	NEW	03/13/2000	2000-2/4
R131-7	State Capitol Preservation Board Master Planning Policy	22574	NEW	03/13/2000	2000-2/7
COMMERCE					
<u>Administration</u>					
R151-3-8	Relationship to Other Laws	23254	NSC	11/01/2000	Not Printed
R151-14	New Automobile Franchise Act Rules	23257	NSC	11/01/2000	Not Printed
R151-46b	Department of Commerce Administrative Procedures Act Rules	22761	AMD	06/01/2000	2000-9/4
<u>Occupational and Professional Licensing</u>					
R156-1	General Rules of the Division of Occupational and Professional Licensing	23118	AMD	10/17/2000	2000-18/36

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-1-205	Advisory Peer Committees - Direct to Appoint with Concurrence of Board - Terms of Office - Vacancies in Office - Removal from Office - Quorum Requirements - Appointment of Chairman - Division to Provide Secretary - Compliance with Open and Public Meetings Act - Compliance with Utah Administrative Procedures Act - No Provision for Per Diem and Expenses	22587	AMD	02/15/2000	2000-2/8
R156-1-308a	Renewal Dates	22645	AMD	03/20/2000	2000-4/12
R156-16a	Optometry Practice Act Rules	22924	AMD	see CPR	2000-13/14
R156-16a	Optometry Practice Act Rules	22924	CPR	10/17/2000	2000-18/88
R156-17a	Pharmacy Practice Act Rules	22318	AMD	see CPR	99-17/10
R156-17a	Pharmacy Practice Act Rules	22318	CPR	02/15/2000	2000-2/17
R156-17a-602	Operating Standards - Pharmacy Intern - Scope of Practice	22738	NSC	05/01/2000	Not Printed
R156-24a-503	Physical Therapist Supervisory Authority and Responsibility	22734	NSC	05/01/2000	Not Printed
R156-26 (Changed to R156-26a)	Certified Public Accountant Licensing Act Rules	22887	AMD	07/18/2000	2000-12/7
R156-31b	Nurse Practice Act Rules	23140	AMD	11/09/2000	2000-19/3
R156-31b-304	Quality Review Program	22576	AMD	02/15/2000	2000-2/10
R156-31b-304	Quality Review Program	22663	NSC	02/24/2000	Not Printed
R156-31c-201	Issuing a License	22577	AMD	02/15/2000	2000-2/11
R156-38	Residence Lien Restriction and Lien Recovery Fund Rules	22725	5YR	04/06/2000	2000-9/183
R156-46b	Division Utah Administrative Procedures Act Rules	22861	AMD	07/06/2000	2000-11/6
R156-46b	Division Utah Administrative Procedures Act Rules	23127	AMD	10/17/2000	2000-18/39
R156-55b	Electricians Licensing Rules	22740	AMD	06/01/2000	2000-9/20
R156-55b	Electricians Licensing Rules	22966	NSC	08/01/2000	Not Printed
R156-55b-304	Continuing Education	22910	NSC	06/26/2000	Not Printed
R156-55c-102	Definitions	22965	NSC	08/01/2000	Not Printed
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	22878	NEW	07/18/2000	2000-12/18
R156-55d	Utah Construction Trades Licensing Act Burglar Alarm Licensing Rules	23032	AMD	09/18/2000	2000-16/7
R156-56	Utah Uniform Building Standard Act Rules	22398	AMD	see CPR	99-20/15
R156-56	Utah Uniform Building Standard Act Rules	22398	CPR	02/15/2000	2000-2/21
R156-56	Utah Uniform Building Standard Act Rules	22790	AMD	07/01/2000	2000-10/5
R156-56	Utah Uniform Building Standard Act Rules	22967	NSC	08/01/2000	Not Printed
R156-56-602	Factory Built Housing Dealer Bonds	22478	AMD	see CPR	99-22/7
R156-56-602	Factory Built Housing Dealer Bonds	22478	CPR	02/15/2000	2000-2/24
R156-56-706	Amendments to the IPC	22449	AMD	see CPR	99-21/7
R156-56-706	Amendments to the IPC	22449	CPR	01/18/2000	99-24/47
R156-56-706	Amendments to the IPC	22791	AMD	07/01/2000	2000-10/18
R156-56a	Recreational Vehicle Rules	22862	REP	07/06/2000	2000-11/7

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R156-57	Respiratory Care Practices Act Rules	22482	AMD	01/04/2000	99-23/13
R156-57-302a	Qualifications for Licensure - Examination Requirements	22701	AMD	05/02/2000	2000-7/6
R156-59	Employee Leasing Company Act Rules	22677	AMD	04/17/2000	2000-6/11
R156-59	Professional Employer Organization Act Rules	22786	NSC	07/10/2000	Not Printed
R156-59	Professional Employer Organization Act Rules	23028	AMD	09/18/2000	2000-16/9
R156-59-302a	Qualifications for Licensure	22863	AMD	07/10/2000	2000-11/9
R156-60a-502	Unprofessional Conduct	23146	AMD	11/07/2000	2000-19/5
R156-60b	Marriage and Family Therapist Licensing Act Rules	23147	AMD	11/07/2000	2000-19/6
R156-60c	Professional Counselor Licensing Act Rules	22726	5YR	04/06/2000	2000-9/183
R156-61	Psychologist Licensing Act Rules	22588	AMD	02/15/2000	2000-2/12
R156-61-302e	Duties and Responsibilities of a Supervisor of Psychology Training and Mental Health Therapist Training	22735	NSC	05/01/2000	Not Printed
R156-63	Security Personnel Licensing Act Rules	22801	AMD	06/15/2000	2000-10/24
R156-63	Security Personnel Licensing Act Rules	23182	5YR	09/28/2000	2000-20/67
R156-63-302a	Qualifications for Licensure - Application Requirements	22736	NSC	05/01/2000	Not Printed
R156-65	Burglar Alarm Security and Licensing Act Rules	22737	NSC	05/01/2000	Not Printed
R156-65	Burglar Alarm Security and Licensing Act Rules	22888	REP	07/18/2000	2000-12/21
R156-66	Utah Professional Boxing Regulation Act Rules	22589	AMD	02/15/2000	2000-2/14
R156-71	Naturopathic Physician Practice Act Rules	22507	AMD	01/04/2000	99-23/14
R156-71-202	Naturopathic Physician Formulary	22700	AMD	05/02/2000	2000-7/7
R156-71-202	Naturopathic Physician Formulary	22792	AMD	06/15/2000	2000-10/26
<u>Real Estate</u>					
R162-6	Licensee Conduct	22514	AMD	01/27/2000	99-24/10
R162-8	Prelicensing Education	23128	AMD	10/17/2000	2000-18/41
R162-10	Administrative Procedures	22624	AMD	03/20/2000	2000-4/14
R162-10	Administrative Procedures	23258	5YR	10/24/2000	2000-22/79
R162-102	Application Procedures	23174	AMD	11/15/2000	2000-20/7
R162-103	Appraisal Education Requirements	22768	AMD	06/01/2000	2000-9/21
R162-104	Experience Requirement	22769	AMD	06/01/2000	2000-9/23
R162-105	Scope of Authority	22770	AMD	06/01/2000	2000-9/25
R162-105	Scope of Authority	23175	AMD	11/15/2000	2000-20/8
R162-106	Professional Conduct	22626	AMD	03/20/2000	2000-4/16
R162-107	Unprofessional Conduct	22771	AMD	06/01/2000	2000-9/27
R162-109	Administrative Proceedings	23259	NSC	11/01/2000	Not Printed
<u>Securities</u>					
R164-2	Investment Adviser - Unlawful Acts	22642	NEW	03/20/2000	2000-4/18
R164-4	Licensing Requirements	22643	AMD	03/20/2000	2000-4/29
R164-11	Registration Statement	22864	NSC	05/25/2000	Not Printed
R164-12	Sales Commission	22865	NSC	05/25/2000	Not Printed
R164-14	Exemptions	22644	AMD	03/20/2000	2000-4/20

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R164-14	Exemptions	22866	NSC	05/25/2000	Not Printed
R164-26	Consent to Service of Process	22867	NSC	05/25/2000	Not Printed
<u>CAREER SERVICES REVIEW BOARD</u>					
R137-1	Grievance Procedure Rules	23281	NSC	11/01/2000	Not Printed
R137-2	Government Records Access and Management Act	23282	NSC	11/01/2000	Not Printed
<u>COMMUNITY AND ECONOMIC DEVELOPMENT</u>					
<u>Community Development</u>					
R199-11	Community Development Block Grants (CDBG)	23183	NSC	10/01/2000	Not Printed
<u>Community Development, Fine Arts</u>					
R207-1	Utah Arts Council General Program Rules	23219	NSC	11/01/2000	Not Printed
R207-2	Policy for Commissions, Purchases, and Donations to, and Loans from, the Utah State Art Collections	23220	NSC	11/01/2000	Not printed
<u>CORRECTIONS</u>					
<u>Administration</u>					
R251-101	Corrections Advisory Council Bylaws	22961	NSC	08/01/2000	Not Printed
R251-113	Distribution of reimbursement from the Inmate Costs Reimbursement Program	23106	NEW	10/17/2000	2000-18/46
R251-113	Distribution of Reimbursement form the Inmate Costs Reimbursement Program	23197	NSC	11/01/2000	Not Printed
R251-303	Offenders' Use of Telephones	23195	5YR	10/04/2000	2000-21/71
R251-705	Inmate Mail Procedures	22962	NSC	08/01/2000	Not Printed
R251-710	Search	22963	NSC	08/01/2000	Not Printed
<u>CRIME VICTIM REPARATIONS</u>					
<u>Administration</u>					
R270-1	Award and Reparation Standards	23041	AMD	09/15/2000	2000-16/12
R270-2	Crime Victim Reparations Adjudicative Proceedings	23042	AMD	09/15/2000	2000-16/15
<u>EDUCATION</u>					
<u>Administration</u>					
R277-106	Professional Practices Advisory Commission Appointment Process	23003	NSC	08/01/2000	Not Printed
R277-107	Educational Services Outside of Educator's Regular Employment	23018	NEW	09/01/2000	2000-15/4
R277-400	Emergency Preparedness Plan	22945	AMD	08/01/2000	2000-13/18
R277-401	Child Abuse-Neglect Reporting by Education Personnel	23004	NSC	08/01/2000	Not Printed
R277-404	Year-Round School and Effective Facility Use Program	22563	REP	02/01/2000	2000-1/8
R277-419	Pupil Accounting	23134	NSC	11/01/2000	Not printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R277-430	Capital Outlay Equalization Qualification	22564	REP	02/01/2000	2000-1/10
R277-438	Dual Enrollment	23019	AMD	09/01/2000	2000-15/5
R277-444	Distribution of Funds to Arts and Sciences Organizations	23213	5YR	10/13/2000	2000-21/72
R277-445	Classifying Small Schools as Necessarily Existent	23020	AMD	09/01/2000	2000-15/8
R277-455	Standards and Procedures for Building Plan Review	22946	AMD	08/01/2000	2000-13/20
R277-459	Teachers' Supplies and Materials Appropriation	23007	5YR	07/12/2000	2000-15/27
R277-459	Teachers' Supplies and Materials Appropriation	23021	AMD	09/01/2000	2000-15/10
R277-462	Comprehensive Guidance Program	22669	AMD	04/03/2000	2000-5/6
R277-464	Highly Impacted Schools	23008	5YR	07/12/2000	2000-15/27
R277-465	Character Education Funding	23214	5YR	10/13/2000	2000-21/72
R277-472	Reading Performance Improvement Awards Program	22593	NSC	01/25/2000	Not Printed
R277-472	Reading Performance Improvement Awards Programs	23005	NSC	08/01/2000	Not Printed
R277-473	Testing Procedures	22717	NEW	05/16/2000	2000-8/3
R277-473	Testing Procedures	23135	NSC	11/01/2000	Not Printed
R277-474	School Instruction and Human Sexuality	23022	NEW	09/01/2000	2000-15/11
R277-475	Patriotic Education	23023	NEW	09/01/2000	2000-15/13
R277-476	Incentives for Elementary Reading Program	23024	NEW	09/01/2000	2000-15/14
R277-501	Educator Licensing Renewal	22609	NEW	03/03/2000	2000-3/8
R277-501	Educator Licensing Renewal	22718	AMD	05/16/2000	2000-8/4
R277-507	Driver Education Endorsement	22528	AMD	02/01/2000	2000-1/11
R277-514	Board Procedures: Sanctions for Misconduct	22670	AMD	04/03/2000	2000-5/8
R277-514	Board Procedures: Sanctions for Misconduct	23006	NSC	08/01/2000	Not Printed
R277-520	Rule on the Appropriate Assignment of Teachers	23009	5YR	07/12/2000	2000-15/28
R277-520	Rule on the Appropriate Assignment of Teachers	23010	NSC	08/01/2000	Not Printed
R277-607	Truancy Prevention	22610	AMD	03/03/2000	2000-3/11
R277-702	Procedures for the Utah General Educational Development Certificate	22719	AMD	05/16/2000	2000-8/8
R277-716	Alternative Language Services (ALS)	22948	AMD	08/01/2000	2000-13/21
R277-750	Education Programs for Students with Disabilities	22949	AMD	08/01/2000	2000-13/23
R277-752	Teenage Pregnancy Prevention Funding	23215	5YR	10/13/2000	2000-21/72
R277-904	Applied Technology Center and Service Region Standards and Operating Procedures	22611	AMD	03/03/2000	2000-3/13
R277-916	Technology, Life, and Careers, and Work-Based Learning Programs	22950	AMD	08/01/2000	2000-13/24

ENVIRONMENTAL QUALITY

Air Quality

R307-101-2	Definitions	22928	AMD	10/05/2000	2000-13/25
R307-102-1	Air Pollution Prohibited	22727	AMD	08/03/2000	2000-9/28
R307-102-1	Air Pollution Prohibited; Periodic Reports Required	22838	NSC	08/03/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R307-110	General Requirements: State Implementation Plan	22623	NSC	02/25/2000	Not Printed
R307-150-2	Definitions	22929	AMD	10/05/2000	2000-13/32
R307-110-19	Section XI, Other Control Measure for Mobile Sources	22553	AMD	02/10/2000	2000-1/14
R307-110-19	Section XI, Other Control Measures for Mobile Sources	22660	NSC	02/25/2000	Not Printed
R307-115	General Conformity	22688	NSC	03/20/2000	Not Printed
R307-115	General Conformity	23133	5YR	09/06/2000	2000-19/161
R307-121-2	Amount of Credit	22686	NSC	03/20/2000	Not Printed
R307-122-2	Amount of Credit	22687	NSC	03/20/2000	Not Printed
R307-150	Emission Inventories	22605	AMD	04/06/2000	2000-3/21
R307-170	Continuous Emission Monitoring Program	23090	5YR	08/07/2000	2000-17/79
R307-205	Emission Standards: Fugitive Emissions and Fugitive Dust	23089	5YR	08/02/2000	2000-17/86
R307-214	National Emission Standards for Hazardous Air Pollutants	23014	AMD	11/02/2000	2000-15/18
R307-220-1	Incorporation by Reference	23039	NSC	09/01/2000	Not Printed
R307-320	Davis, Salt Lake and Utah Counties, and Ogden City: Employer-Based Trip Reduction Program	22724	5YR	04/05/2000	2000-9/184
R307-403-8	Offsets: Banking of Emission Offset Credit	22607	NSC	01/25/2000	Not Printed
R307-415-5a	Permit Applications: Duty to Apply	22606	AMD	04/06/2000	2000-3/23
R307-801	Asbestos	22668	R&R	see CPR	2000-13/67
R307-801	Asbestos	22668	CPR	08/01/2000	2000-13/67
<u>Drinking Water</u>					
R309-102	Responsibilities of Public Water System Owners and Operators	22731	AMD	08/15/2000	2000-9/29
R309-113 (Changed to R309-600)	Drinking Water Source Protection	22732	AMD	06/12/2000	2000-9/30
R309-114 (Changed to R309-710)	Drinking Water Source Protection Funding	22709	AMD	06/12/2000	2000-8/9
R309-150	Water System Rating Criteria	23099	5YR	08/10/2000	2000-17/87
R309-200 (Changed to R309-110)	Facility Design and Operation: Definitions	22883	AMD	08/15/2000	2000-12/23
R309-204	Facility Design and Operation: Source Development	23251	EMR	10/20/2000	2000-22/68
R309-205 (Changed to R309-520)	Facility Design and Operation: Disinfection	22884	AMD	08/15/2000	2000-12/24
R309-210 (Changed to R309-545)	Facility Design and Operation: Drinking Water Storage Tanks	22885	AMD	08/15/2000	2000-12/38
R309-302	Required Certification Rules for Backflow Technicians in the State of Utah	22730	5YR	04/10/2000	2000-9/185
R309-350 (Changed to R309-700)	Utah Drinking Water Project Loan, Credit Enhancement, Interest Buy-Down, and Hardship Grant Program: Policies and Guidelines	22886	AMD	08/15/2000	2000-12/42

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R309-351 (Changed to R309-705)	Utah Federal State Revolving Fund (SRF) Program	22711	AMD	05/16/2000	2000-8/11
R309-405	Compliance and Enforcement: Administrative Penalty	22604	NEW	04/17/2000	2000-3/25
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	22704	NEW	06/12/2000	2000-7/8
R309-605	Source Protection: Drinking Water Source Protection for Surface Water Sources	22927	NSC	06/27/2000	Not Printed
<u>Environmental Response and Remediation</u>					
R311-201-4	Eligibility for Certification	22762	AMD	07/17/2000	2000-9/39
R311-401-2	Hazardous Substances Priority List	22767	AMD	08/25/2000	2000-9/42
<u>Radiation Control</u>					
R313-12	General Provisions	22598	AMD	03/10/2000	2000-3/27
R313-12-3	Definitions	23144	NSC	10/01/2000	Not Printed
R313-15	Standards for Protection Against Radiation	22599	AMD	03/10/2000	2000-3/34
R313-15	Standards for Protection Against Radiation	23184	NSC	10/01/2000	Not Printed
R313-16	General Requirements Applicable to the Installation, Registration, Inspection, and Use of Radiation Machines	22600	AMD	03/10/2000	2000-3/56
R313-22	Specific Licenses	22601	AMD	03/10/2000	2000-3/59
R313-25	License Requirements for Land Disposal of Radioactive Waste - General Provisions	22602	AMD	03/10/2000	2000-3/77
R313-34	Requirements for Irradiators	22603	AMD	03/10/2000	2000-3/86
R313-34	Requirements for Irradiators	22720	5YR	04/03/2000	2000-9/186
R313-38-98	Example of Plaque for Identifying Wells Containing Sealed Sources Containing Radioactive Material Abandoned Downhole	23256	NSC	11/01/2000	Not Printed
<u>Solid and Hazardous Waste</u>					
R315-1-1	Definitions	22537	NSC	01/25/2000	Not Printed
R315-1-1	Definitions	22772	AMD	07/15/2000	2000-9/43
R315-2	General Requirements - Identification and Listing of Hazardous Waste	22538	NSC	01/25/2000	Not Printed
R315-2	General Requirements - Identification and Listing of Hazardous Waste	22773	AMD	07/15/2000	2000-9/45
R315-2-9	Characteristics of Hazardous Waste	22653	NSC	02/25/2000	Not Printed
R315-2-9	Characteristics of Hazardous Waste	22794	NSC	05/25/2000	Not Printed
R315-3	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	22774	R&R	see CPR	2000-9/52
R315-3	Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	22774	CPR	10/20/2000	2000-17/32
R315-3	Application and Plan Approval Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities	22539	NSC	01/25/2000	Not Printed
R315-3-6	Special Forms of permits	23263	NSC	11/01/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R315-3-20	Hazardous Waste Incinerator Plan Approvals	22654	NSC	02/25/2000	Not Printed
R315-4	Procedures for Decisionmaking	22775	R&R	see CPR	2000-9/76
R315-4	Procedures for Decisionmaking	22775	CPR	10/20/2000	2000-17/45
R315-5	Hazardous Waste Generator Requirements	22541	NSC	01/25/2000	Not Printed
R315-5	Hazardous Waste Generator Requirements	22776	R&R	See CPR	2000-9/84
R315-5	Hazardous Waste Generator requirements	22776	CPR	10/20/2000	2000-17/49
R315-6	Hazardous Waste Transporter Requirements	22777	R&R	See CPR	2000-9/90
R315-6	Hazardous Waste Transporter Requirements	22777	CPR	10/20/2000	
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	22541	NSC	01/25/2000	Not Printed
R315-7	Interim Status Requirements for Hazardous Waste Treatment, Storage, and Disposal Facilities	22778	AMD	07/15/2000	2000-9/93
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	22543	NSC	01/25/2000	Not Printed
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	22779	AMD	See CPR	2000-9/111
R315-8	Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities	22779	CPR	10/20/2000	2000-17/52
R315-13	Land Disposal Restrictions	22544	NSC	01/25/2000	Not Printed
R315-16	Standards for Universal Waste Management	22545	NSC	01/25/2000	Not Printed
R315-16	Standards for Universal Waste Management	22780	AMD	07/15/2000	2000-9/47
R315-16	Standards for Universal Waste Management	23165	5YR	09/15/2000	2000-19/161
R315-50	Appendices	22546	NSC	01/25/2000	Not Printed
R315-101	Cleanup Action and Risk-Based Closure Standards	22547	NSC	01/25/2000	Not Printed
R315-101	Cleanup Action and Risk-Based Closure Standards	22781	AMD	07/15/2000	2000-9/157
R315-102	Penalty Policy	23166	5YR	09/15/2000	2000-19/162
R315-111	Permit Approval For Solid Waste Disposal, Energy Recovery, And Incinerator Facilities	22856	AMD	07/15/2000	2000-11/15
R315-301	Solid Waste Authority, Definitions, and General Requirements	22855	AMD	See CPR	2000-11/10
R315-301	Solid Waste Authority, Definitions, and General Requirements	22855	CPR	10/03/2000	2000-17/63
R315-312-1	Applicability	22857	AMD	07/15/2000	2000-11/17
R315-312-1	Applicability	23100	AMD	10/05/2000	2000-17/12
R315-315-9	Waste Asphalt	23104	AMD	10/20/2000	2000-18/47
R315-320	Waste Tire Transporter and Recycler Requirements	22859	AMD	07/15/2000	2000-11/19
<u>Water Quality</u>					
R317-1-4	Utilization and Isolation of Domestic Wastewater Treatment Works Effluent	22699	AMD	06/13/2000	2000-6/16
R317-2	Standards of Quality for Waters of the State	22566	AMD	03/17/2000	2000-1/15
R317-2-13	Classification of Waters of the State	22860	AMD	08/01/2000	2000-11/24

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R317-4	Onsite Wastewater Systems	22490	NEW	02/16/2000	99-23/16
R317-4	Onsite Wastewater Systems	22691	NSC	03/20/2000	Not Printed
R317-100	Utah State Project Priority and List for the Utah Wastewater Project Assistance Program	23029	AMD	11/10/2000	2000-16/17
R317-501	Individual Wastewater Disposal Systems	22491	REP	02/16/2000	99-23/45
R317-502	Individual Disposal Wastewater Systems - General Requirements	22492	REP	02/16/2000	99-23/48
R317-503	Soil and Ground Water Requirements	22493	REP	02/16/2000	99-23/56
R317-504	Building Sewer	22494	REP	02/16/2000	99-23/58
R317-505	Septic Tanks	22495	REP	02/16/2000	99-23/59
R317-506	Discharge to Absorption System	22496	REP	02/16/2000	99-23/63
R317-507	Absorption Systems	22497	REP	02/16/2000	99-23/65
R317-508	Plan Information for Individual Wastewater Disposal Systems	22498	REP	02/16/2000	99-23/73
R317-509	Design, Installation, and Maintenance of Sewage Holding Tanks	22499	REP	02/16/2000	99-23/75
R317-510	Review Criteria for Establishing the Feasibility of Proposed Housing Subdivisions and Other Similar Developments	22500	REP	02/16/2000	99-23/77
R317-511	Percolation Test Requirements	22501	REP	02/16/2000	99-23/80
R317-512	Approved Building Sewer Pipe and Distribution Pipe for Individual Wastewater Disposal Systems	22502	REP	02/16/2000	99-23/82
R317-513	Recommendations for the Maintenance of Septic Tanks and Absorption Systems	22503	REP	02/16/2000	99-23/84
FAIR CORPORATION (UTAH STATE)					
<u>Administration</u>					
R325-2-2	Selection of Exhibitors	22647	AMD	see CPR	2000-5/31
R325-2-2	Selection of Exhibitors	22647	CPR	06/05/2000	2000-8/32
FINANCIAL INSTITUTIONS					
<u>Administration</u>					
R331-9	Rule Prescribing Rules of Procedure for Hearings Before Commissioner of Financial Institutions of the State of Utah	22830	NSC	05/25/2000	Not Printed
R331-10	Schedule for Retention or Destruction of Records of Financial Institutions Under the Jurisdiction of the Department of Financial Services	23108	AMD	10/17/2000	2000-18/48
<u>Banks</u>					
R333-10	Securities Activities of Subsidiaries and Affiliates of State-Chartered Banks	22831	NSC	05/25/2000	Not Printed
HEALTH					
<u>Administration</u>					
R380-40	Local Health Department Minimum Performance Standards	22964	5YR	06/19/2000	2000-14/56

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Children's Health Insurance Program</u>					
R382-10	Eligibility	23027	AMD	10/10/2000	2000-16/20
<u>Epidemiology and Laboratory Services, Epidemiology</u>					
R386-800	Immunization Coordination	22785	NEW	07/14/2000	2000-9/159
<u>Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health</u>					
R388-801	AIDS Testing and Reporting for Emergency Medical Services Providers Rule	22970	NSC	08/01/2000	Not Printed
R388-802	HIV Positive Student or School Employee Rule	22837	NSC	05/25/2000	Not Printed
<u>Epidemiology and Laboratory Services, Environmental Services</u>					
R392-300	Recreation Camp Sanitation	23176	NSC	10/01/2000	Not Printed
R392-301	Recreational Vehicle Park Sanitation	23177	NSC	10/01/2000	Not Printed
R392-400	Temporary Mass Gatherings Sanitation	22739	R&R	see CPR	2000-9/161
R392-400	Temporary Mass Gatherings Sanitation	22739	CPR	11/01/2000	2000-17/68
R392-401	Roadway Rest Stop Sanitation	23178	NSC	10/01/2000	Not Printed
R392-402	Mobile Home Park Sanitation	23179	NSC	10/01/2000	Not Printed
R392-501	Labor Camp Sanitation	23180	NSC	10/01/2000	Not Printed
R392-502	Hotel, Motel and Resort Sanitation	23181	NSC	10/01/2000	Not Printed
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-1	Utah Medicaid Program	22512	AMD	01/26/2000	99-24/13
R414-7A	Medicaid Certification of New Nursing Facilities	23116	AMD	11/01/2000	2000-18/52
R414-11	Podiatry Services	22952	NSC	08/01/2000	Not Printed
R414-12	Medical Supplies Durable Medical Equipment-Prosthetics	23097	REP	10/16/2000	2000-17/13
R414-19A	Coverage for Dialysis Services by a Free-Standing State Licensed Dialysis Facility	23085	5YR	08/02/2000	2000-17/88
R414-21	Physical Therapy	22953	NSC	08/01/2000	Not Printed
R414-24A	Medical Supplies Program for Parenteral, Enteral and IV Therapy	23098	REP	10/16/2000	2000-17/17
R414-31	Inpatient Psychiatric Services for Individuals Under Age 21 in Psychiatric Facilities or Programs	22954	NSC	08/01/2000	Not Printed
R414-33	Targeted Case Management Services	22955	NSC	08/01/2000	Not Printed
R414-33	Targeted Case Management Services	23086	5YR	08/02/2000	2000-17/88
R414-33A	Targeted Case Management for the Chronically Mentally Ill	23087	5YR	08/02/2000	2000-17/89
R414-45	Personal Supervision by a Physician	22956	NSC	08/01/2000	Not Printed
R414-54	Speech-Language Pathology Services	22957	NSC	08/01/2000	Not Printed
R414-58	Children's Organ Transplants	22529	AMD	02/17/2000	2000-1/29
R414-58	Children's Organ Transplants	22958	NSC	08/01/2000	Not Printed
R414-61	Home and Community Based Waivers	22513	NEW	see CPR	99-24/15
R414-61	Home and Community Based Waivers	22513	CPR	03/30/2000	2000-4/69
R414-63	Medicaid Policy for Pharmacy Reimbursement	23129	EMR	09/15/2000	2000-18/90

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R414-303	Coverage Groups	22378	AMD	see CPR	99-19/25
R414-303	Coverage Groups	22378	CPR	01/26/2000	99-24/52
R414-304	Income and Budgeting	22703	EMR	03/09/2000	2000-7/19
R414-304	Income and Budgeting	22921	AMD	08/02/2000	2000-13/33
R414-306	Program Benefits	22922	AMD	08/02/2000	2000-13/41
R414-309	Utah Medical Assistance Program (UMAP)	23111	EMR	09/01/2000	2000-18/91
R414-401	Nursing Care Facility Assessment	23117	NEW	11/01/2000	2000-18/54
<u>Health Care Financing, Medical Assistance Program</u>					
R420-1	Utah Medical Assistance Program	23112	EMR	09/01/2000	2000-18/95
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-6	Emergency Medical Services Grants Program Rules	22534	AMD	04/30/2000	2000-1/31
R426-11	Definitions and Quality Assurance Reviews	23196	NSC	11/01/2000	Not Printed
<u>Health Systems Improvement, Child Care Licensing</u>					
R430-90	Licensed Family Child Care	23091	AMD	11/02/2000	2000-17/20
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-1	General Health Care Facility Rules	23113	AMD	11/06/2000	2000-18/55
R432-3	General Health Care Facility Rules Inspection and Enforcement	22742	AMD	06/23/2000	2000-9/170
R432-7	Specialty Hospital - Psychiatric Hospital Construction	22630	5YR	02/01/2000	2000-4/70
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	22631	5YR	02/01/2000	2000-4/70
R432-9	Specialty Hospital - Rehabilitation Construction Rule	22632	5YR	02/01/2000	2000-4/71
R432-10	Specialty Hospital - Chronic Disease Construction Rule	22633	5YR	02/01/2000	2000-4/72
R432-11	Orthopedic Hospital Construction	22634	5YR	02/01/2000	2000-4/72
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	22635	5YR	02/01/2000	2000-4/73
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	22636	5YR	02/01/2000	2000-4/73
R432-14	Birthing Center Construction Rule	22637	5YR	02/01/2000	2000-4/74
R432-30	Adjudicative Procedure	22638	5YR	02/01/2000	2000-4/74
R432-100-33	Medical Records	22976	AMD	08/31/2000	2000-14/8
R432-270	Assisted Living Facilities	22655	5YR	02/09/2000	2000-5/64
R432-270	Assisted Living Facilities	22743	NSC	05/01/2000	Not Printed
R432-300	Small Health Care Facility - Type N	22852	AMD	08/08/2000	2000-11/39
R432-700	Home Health Agency Rule	23114	AMD	11/06/2000	2000-18/60
R432-750	Hospice Rule	23115	AMD	11/06/2000	2000-18/64
<u>Health Systems Improvement, Primary Care and Rural Health</u>					
R434-20	Special Population Health Care Provider Financial Assistance Program	22622	AMD	03/24/2000	2000-4/31

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Epidemiology and Laboratory Services, Laboratory Improvement</u>					
R444-14	Rules for the Certification of Environmental Laboratories	22516	AMD	03/01/2000	99-24/16
<u>Medical Examiner</u>					
R448-10	Unattended Death and Reporting Requirements	22818	NEW	06/19/2000	2000-10/27
R448-20	Access to Medical Examiner Reports	22817	NEW	06/19/2000	2000-10/29
HOUSING FINANCE AGENCY					
<u>Administration</u>					
R460-1	Authority and Purpose	22682	5YR	02/23/2000	2000-6/46
R460-4	Additional Servicing Rules	22683	5YR	02/23/2000	2000-6/46
R460-6	Adjudicative Proceedings	22684	5YR	02/23/2000	2000-6/47
R460-7	Public Petitions for Declaratory Orders	22685	5YR	02/23/2000	2000-6/47
HUMAN RESOURCE MANAGEMENT					
<u>Administration</u>					
R477-1	Definitions	22839	AMD	07/05/2000	2000-11/47
R477-2	Administration	22840	AMD	07/05/2000	2000-11/52
R477-2	Administration	22959	NSC	07/05/2000	Not Printed
R477-3	Control of Personal Service Expenditures	22841	NSC	07/05/2000	Not Printed
R477-4	Classification	22842	AMD	07/05/2000	2000-11/57
R477-5	Filling Positions	22843	AMD	07/05/2000	2000-11/58
R477-6	Employee Status and Probation	22844	AMD	07/05/2000	2000-11/62
R477-7	Compensation	22845	AMD	07/05/2000	2000-11/64
R477-8	Working Conditions	22846	AMD	07/05/2000	2000-11/67
R477-9	Employee Conduct	22847	AMD	07/05/2000	2000-11/76
R477-10	Employee Development	22848	AMD	07/05/2000	2000-11/78
R477-11	Discipline	22849	AMD	07/05/2000	2000-11/80
R477-12	Separations	22850	AMD	07/05/2000	2000-11/82
R477-13	Volunteer Programs	22851	AMD	07/05/2000	2000-11/84
R477-14	Substance Abuse and Drug-Free Workplace	22853	AMD	07/05/2000	2000-11/85
R477-15	Unlawful Harassment Policy and Procedure	22854	AMD	07/05/2000	2000-11/87
HUMAN SERVICES					
<u>Administration</u>					
R495-879	Parental Support for Children in Care	23167	NSC	10/01/2000	Not Printed
<u>Administration, Administrative Services, Licensing</u>					
R501-3	Categorical Standards	22694	REP	05/02/2000	2000-6/20
R501-11	Categorical Standards	22813	AMD	06/20/2000	2000-10/30
R501-12	Foster Care Rules	22629	AMD	03/17/2000	2000-4/38
R501-13	Core Standards for Adult Day Care Programs	22661	R&R	04/15/2000	2000-5/32
R501-19	Residential Treatment Programs	22695	NEW	05/02/2000	2000-6/28

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R501-20	Day Treatment Programs	22696	NEW	05/02/2000	2000-6/31
R501-21	Outpatient Treatment Programs	22697	NEW	05/02/2000	2000-6/33
R501-22	Residential Support Programs	22698	NEW	05/02/2000	2000-6/36
<u>Aging and Adult Services</u>					
R510-104	Nutrition Programs for the Elderly	23158	AMD	11/01/2000	2000-19/107
R510-104	Nutrition Programs for the Elderly	23288	5YR	11/01/2000	2000-22/80
R510-302	Adult Protective Services	22619	5YR	01/24/2000	2000-4/75
R510-302	Adult Protective Services	22659	AMD	05/16/2000	2000-5/43
R510-401	Caregiver Respite Services for Caregivers or Care Receivers 60 Years of Age and Over	23325	5YR	11/15/2000	2000-23/64
<u>Child and Family Services</u>					
R512-1	Description of Division Services, Eligibility, and Service Access	22814	EMR	05/01/2000	2000-10/56
R512-1	Description of Division Services, Eligibility, and Service Access	22876	AMD	07/19/2000	2000-12/49
R512-41	Qualifying Adoptive Families and Adoption Placement	22815	EMR	05/01/2000	2000-10/58
R512-41	Qualifying Adoptive Families and Adoption Placement	22877	AMD	07/20/2000	2000-12/51
R512-70	Composition and Operation of the Consumer Hearing Panel, and the Requirements for Filing a Complaint with the Panel	23314	5YR	11/14/2000	2000-23/64
R512-75	Rules Governing Adjudication of Consumer Complaints	23315	5YR	11/14/2000	2000-23/65
<u>Recovery Services</u>					
R527-5	Release of Information	22555	AMD	02/01/2000	2000-1/33
R527-10	Disclosure of Information to the Office of Recovery Services	22692	5YR	03/01/2000	2000-6/48
R527-24	Good Cause	22487	REP	01/10/2000	99-23/86
R527-34-1	Non-AFDC Services	22628	AMD	03/24/2000	2000-4/42
R527-40	Retained Support	22656	5YR	02/10/2000	2000-5/65
R527-67	Locate, Use of Subpoena Duces Tecum	22820	5YR	05/03/2000	2000-11/102
R527-100	Uniform Interstate Family Support Act	22868	REP	07/05/2000	2000-11/90
R527-200	Administrative Procedures	22556	AMD	02/01/2000	2000-1/37
R527-200	Administrative Procedures	22754	NSC	05/01/2000	Not Printed
R527-332	Unreimbursed Assistance Calculation	22937	NEW	08/01/2000	2000-13/44
R527-394	Posting Bond or Security	22916	5YR	06/02/2000	2000-13/73
R527-450	Federal Tax Refund Intercept	23030	5YR	07/26/2000	2000-16/133
R527-450	Federal Tax Refund Intercept	23031	AMD	09/18/2000	2000-16/22
R527-475	State Tax Refund Intercept	22488	AMD	01/10/2000	99-23/87
R527-475	State Tax Refund Intercept	22708	5YR	03/24/2000	2000-8/34
R527-550	Assessment	23148	AMD	11/16/2000	2000-19/113
R527-800	Enforcement Procedures	22755	NSC	05/01/2000	Not Printed
R527-928	Lost Checks	22936	AMD	08/01/2000	2000-13/45

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
INSURANCE					
<u>Administration</u>					
R590-88	Prohibited Transactions Between Agents and Unauthorized Multiple Employer Trusts	22665	5YR	02/15/2000	2000-5/66
R590-91	Credit Life and Disability Insurance	23235	NSC	11/01/2000	Not Printed
R590-94	Rule Permitting Smoker/Nonsmoker Mortality Tables For Use in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	22917	NSC	06/27/2000	Not Printed
R590-121	Rate Modification Plan Rule	22918	NSC	06/27/2000	Not Printed
R590-122	Permissible Arbitration Provisions	23203	NSC	11/01/2000	Not Printed
R590-127	Rate Filing Exemptions	22919	NSC	06/27/2000	Not Printed
R590-128	Unfair Discrimination Based on the Failure to Maintain Automobile Insurance. (Revised.)	22666	5YR	02/15/2000	2000-5/66
R590-130	Rules Governing Advertisements of Insurances	23206	5YR	10/12/2000	2000-21/73
R590-131	Disability Coordination of Benefits Rule	22640	AMD	see CPR	2000-4/44
R590-131	Disability Coordination of Benefits Rule	22640	CPR	06/29/2000	2000-10/51
R590-132	Insurance Treatment of Human Immunodeficiency Virus (HIV) Infection	22667	5YR	02/15/2000	2000-5/67
R590-140	Reference Filings of Rate Service Organization Prospective Loss Costs	22759	5YR	04/13/2000	2000-9/186
R590-140	Reference Filings of Rate Service Organization Prospective Loss Costs	22760	AMD	06/08/2000	2000-9/172
R590-144	Commercial Aviation Insurance Exemption From Rate and Form Filing	22920	NSC	06/27/2000	Not Printed
R590-148-14	Reserve Standards	23046	NSC	09/01/2000	Not Printed
R590-153	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	22641	AMD	04/11/2000	2000-4/48
R590-153	Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business	22745	NSC	05/23/2000	Not Printed
R590-160-8	Agency Review	22797	AMD	08/31/2000	2000-10/32
R590-160-8	Agency Review	23160	AMD	11/14/2000	2000-19/115
R590-164	Uniform Health Billing Rule	22746	5YR	04/11/2000	2000-9/187
R590-164	Uniform Health Billing Rule	22747	NSC	05/23/2000	Not Printed
R590-165	Health Benefit Plans	23236	NSC	11/01/2000	Not Printed
R590-167	Individual and Small Employer Health Insurance Rule	23237	NSC	11/01/2000	Not printed
R590-170	Fiduciary and Trust Account Obligations	22489	AMD	see CPR	99-23/88
R590-170	Fiduciary and Trust Account Obligations	22489	CPR	03/07/2000	2000-2/25
R590-171	Surplus Lines Procedures Rule	23035	5YR	07/28/2000	2000-16/133
R590-171	Surplus Lines Procedures Rule	23036	NSC	09/01/2000	Not Printed
R590-172	Notice to Uninsurable Applicants for Health Insurance	22941	5YR	06/15/2000	2000-13/74
R590-172	Notice to Uninsurable Applicants for Health Insurance	22942	AMD	08/10/2000	2000-13/46
R590-174	Diskette Filing of Annual and Quarterly Statements	23248	5YR	10/18/2000	2000-22/80
R590-182	Risk Based Capitol Instructions	22748	AMD	06/08/2000	2000-9/174
R590-186	Bail Bond Surety Business	22943	AMD	08/10/2000	2000-13/47

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22417	NEW	see CPR	99-20/28
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22417	CPR	02/01/2000	99-24/53
R590-196	Bail Bond Surety Fee Standards, Collateral Standards, and Disclosure Form	22749	AMD	06/08/2000	2000-9/175
R590-197	Treatment of Guaranty Association Assessments as Qualified Assets	22416	NEW	01/25/2000	99-20/30
R590-197	Treatment of Guaranty Association Assessments as Qualified Assets	22621	NSC	02/25/2000	Not Printed
R590-198	Valuation of Life Insurance Policies Rule	22506	NEW	01/04/2000	99-23/90
R590-198	Valuation of Life Insurance Policies Rule	22595	NSC	01/25/2000	Not Printed
R590-199	Plan of Orderly Withdrawal Rule Relating to Health Benefit Plans	22875	NEW	07/21/2000	2000-11/91
R590-202	Condition-Specific Exclusion Riders in Individual Health Insurance Policies	22944	NEW	08/10/2000	2000-13/53
R590-205	Privacy of Consumer Information Compliance Deadline	23246	EMR	10/18/2000	2000-22/76

JUDICIAL CONDUCT COMMISSION

Administration

R595-1	Rules of Procedure	23037	R&R	09/18/2000	2000-16/23
R595-1-6	Notice After Finding of Reasonable Cause	22788	AMD	06/15/2000	2000-10/34
R595-1-9	Informal Resolution of Complaints	22789	AMD	06/15/2000	2000-10/34

LABOR COMMISSION

Adjudication

R602-2-1	Pleadings and Discovery	22764	NSC	04/14/2000	Not Printed
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Antidiscrimination and Labor, Antidiscrimination

R606-1-2	Definitions	22673	NSC	03/20/2000	Not Printed
R606-2-2	Guidelines	22674	NSC	03/20/2000	Not Printed
R606-3	Nondiscrimination Clause to be used in Contracts Entered into by the State of Utah and its Agencies	22997	5YR	07/07/2000	2000-15/28
R606-3-2	Procedures and Prohibitions	22675	NSC	03/20/2000	Not Printed
R606-4	Advertising	22998	5YR	07/07/2000	2000-15/29
R606-5	Employment Agencies	22999	5YR	07/07/2000	2000-15/29
R606-5-2	Procedures and Prohibitions	22676	NSC	03/20/2000	Not Printed
R606-6	Regulation of Practice and Procedure on Employer Reports and Records	23000	5YR	07/07/2000	2000-15/30

Antidiscrimination and Labor, Fair Housing

R608-1-3	Reliance on Federal Law	22591	NSC	01/25/2000	Not Printed
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Industrial Accidents

R612-6 (Changed to R612-7)	Impairment Ratings for Industrial Injuries and Diseases	23151	NSC	10/01/2000	Not Printed
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RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R612-6	Notification of Workers' Compensation Insurance Coverage	23150	NEW	11/06/2000	2000-19/117
R612-7 (Changed to R612-8)	Procedural Guidelines for the Reemployment Act	23152	NSC	10/01/2000	Not Printed
R612-8	Designation of the Initial Assessment of Noncompliance Penalties as an "Informal" Proceeding	22592	5YR	01/03/2000	2000-3/91
R612-8 (Changed to R612-9)	Designation of the Initial Assessment of Noncompliance Penalties as an "Informal" Proceeding	23153	NSC	10/01/2000	Not Printed
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	22524	NSC	01/25/2000	Not Printed
R614-1-5	Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders	22766	NSC	05/01/2000	Not Printed
R614-1-5	Adoption and Extension of Established Federal Safety Standards and State of Utah General Safety Orders	22925	NSC	06/27/2000	Not Printed
R614-1-10	Discrimination	22672	NSC	03/20/2000	Not Printed
R614-6-1	Crushing, Screening, and Grinding Equipment	22926	NSC	06/27/2000	Not Printed
<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	22702	AMD	05/09/2000	2000-7/15
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	22782	AMD	06/02/2000	2000-9/176
R616-2-8	Inspection of Boilers and Pressure Vessels	23034	NSC	09/01/2000	Not Printed
<u>LIEUTENANT GOVERNOR</u>					
<u>Elections</u>					
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	22590	NSC	01/25/2000	Not Printed
R623-1	Lieutenant Governor's Procedure for Regulation of Lobbyist Activities	22612	AMD	03/03/2000	2000-3/89
<u>MONEY MANAGEMENT COUNCIL</u>					
<u>Administration</u>					
R628-4	Bonding of Public Treasurers	23200	5YR	10/11/2000	2000-21/74
R628-4	Bonding of Public Treasurers	23201	NSC	11/01/2000	Not Printed
R628-11	Maximum Amount of Public Funds Allowed to Be Held by Any Qualified Depository	23221	5YR	10/13/2000	2000-21/74
R628-11	Maximum Amount of Public Funds Allowed to be Held by any qualified Depository	23222	NSC	11/01/2000	Not printed
R628-12	Certification of Qualified Depositories for Public Funds	23283	5YR	11/01/2000	2000-22/81
R628-13	Collateralization of Public Funds	23301	5YR	11/07/2000	2000-23/65
R628-16	Certification as a Dealer	23299	5YR	11/03/2000	2000-23/66

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
NATURAL RESOURCES					
<u>Oil, Gas and Mining; Coal</u>					
R645-105	Blaster Training, Examination and Certification	22906	5YR	06/01/2000	2000-12/58
R645-301-500	Engineering	22214	AMD	see CPR	99-16/32
R645-301-500	Engineering	22214	CPR	02/01/2000	2000-1/64
R645-400	Inspection and Enforcement: Division Authorities and Procedures	22907	5YR	06/01/2000	2000-12/58
<u>Parks and Recreation</u>					
R651-101	Adjudicative Proceedings	22750	NSC	05/01/2000	Not Printed
R651-205	Zoned Waters	22613	AMD	03/27/2000	2000-4/51
R651-301	State Recreation Fiscal Assistance Programs	22869	AMD	07/04/2000	2000-11/93
R651-408	Off-Highway Vehicle Education Curriculum Standards	22870	AMD	07/04/2000	2000-11/95
R651-409	Minimum Amounts of Liability Insurance Coverage for an Organized Practice or Sanctioned Race	22871	NEW	07/04/2000	2000-11/96
R651-601	Definitions as Used in These Rules	22872	AMD	07/04/2000	2000-11/97
R651-601	Definitions as Used in These Rules	22968	NSC	08/01/2000	Not Printed
R651-606	Camping	22873	AMD	09/28/2000	2000-11/98
R651-606	Camping	22969	NSC	09/28/2000	Not Printed
R651-611	Fee Schedule	22474	AMD	01/03/2000	99-22/17
R651-611-4	Special Fees	22706	AMD	05/16/2000	2000-8/18
R651-634	Snowmobile User Fee - Non-Residents	22874	NEW	07/04/2000	2000-11/99
<u>Forestry, Fire and State Lands</u>					
R652-30-610	Utah Lake Agricultural Leases	22680	AMD	07/13/2000	2000-6/39
R652-40-300	Easements Acquired by Application	22819	NSC	05/25/2000	Not Printed
R652-50-610	Utah Lake Grazing Permits	22681	AMD	07/13/2000	2000-6/40
R652-70-2400	Recreational Use of Navigable Rivers	22428	AMD	02/29/2000	99-21/47
R652-120	Wildland Fire	22835	5YR	05/09/2000	2000-11/102
<u>Water Resources</u>					
R653-7	Administrative Procedures for Informal Proceedings	22763	NSC	05/01/2000	Not Printed
<u>Water Rights</u>					
R655-3	Reports of Water Right Conveyance	22806	NEW	07/01/2000	2000-10/35
R655-4	Water Well Drillers	22744	NSC	05/01/2000	Not Printed
R655-4	Water Well Drillers	23142	5YR	09/12/2000	2000-19/162
<u>Wildlife Resources</u>					
R657-5	Taking Big Game	22519	AMD	see CPR	99-24/25
R657-5	Taking Big Game	22519	CPR	02/01/2000	2000-1/66
R657-5	Taking Big Game	22880	AMD	07/18/2000	2000-12/53
R657-5-15	Crossbows	22938	AMD	08/01/2000	2000-13/55

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R657-6	Taking Upland Game	22520	AMD	01/18/2000	99-24/35
R657-6	Taking Upland Game	22972	AMD	08/15/2000	2000-14/10
R657-9	Taking Waterfowl, Wilson's Snipe and Coot	23123	AMD	10/17/2000	2000-18/73
R657-10	Taking Cougar	23124	AMD	10/17/2000	2000-18/76
R657-11	Taking Furbearers	23126	5YR	08/30/2000	2000-18/99
R657-11	Taking Furbearers	23125	AMD	10/17/2000	2000-18/79
R657-13	Taking Fish and Crayfish	22392	AMD	01/03/2000	99-20/31
R657-13-4	Fishing Contests	22693	AMD	04/24/2000	2000-6/41
R657-13-12	Bait	22648	AMD	04/04/2000	2000-5/45
R657-15	Closure of Gunnison, Cub and Hat Islands	22881	5YR	05/22/2000	2000-12/59
R657-19	Taking Nongame Mammals	22712	5YR	03/30/2000	2000-8/34
R657-19	Taking Nongame Mammals	22733	NSC	05/01/2000	Not Printed
R657-19	Taking Nongame Mammals	22713	AMD	05/17/2000	2000-8/20
R657-21	Cooperative Wildlife Management Units for Small Game and Waterfowl	22882	5YR	05/22/2000	2000-12/59
R657-21	Cooperative Wildlife Management Units for Small Game and Waterfowl	22973	AMD	08/15/2000	2000-14/18
R657-24	Compensation for Mountain Lion and Bear Damage	23208	5YR	10/12/2000	2000-21/75
R657-27	License Agent Procedures	22783	AMD	06/08/2000	2000-9/177
R657-28	Use of Division Lands - Rights-of-Way, Leases, and Special Use Permits	22974	AMD	08/15/2000	2000-14/20
R657-33	Taking Bear	22714	AMD	05/17/2000	2000-8/23
R657-37	Cooperative Wildlife Management Units for Big Game	22975	AMD	08/15/2000	2000-14/23
R657-38	Dedicated Hunter Program	22521	AMD	01/18/2000	99-24/38
R657-38	Dedicated Hunter Program	22649	AMD	04/04/2000	2000-5/46
R657-41	Conservation and Sportsman Permits	22939	AMD	08/01/2000	2000-13/56
R657-41-2	Definitions	22650	AMD	04/04/2000	2000-5/50
R657-46	The Use of Game Birds in Dog Field Trials and Training	22651	AMD	04/04/2000	2000-5/51
R657-47	Trust Fund Permits	22562	NEW	02/01/2000	2000-1/40
R657-47	Trust Fund Permits	22940	AMD	08/01/2000	2000-13/58

PROFESSIONAL PRACTICES ADVISORY COMMISSION

Administration

R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	22504	AMD	01/05/2000	99-23/96
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	22671	AMD	04/03/2000	2000-5/53
R686-100	Professional Practices Advisory Commission, Rules of Procedure: Complaints and Hearings	23137	NSC	11/01/2000	Not printed
R686-101	Alcohol Related Offenses	23001	NSC	08/01/2000	Not Printed
R686-102	Drug Related Offenses	23002	NSC	08/01/2000	Not Printed
R686-103	Professional Practices and Conduct for Utah Educators	22505	AMD	01/05/2000	99-23/105

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
PUBLIC SAFETY					
<u>Driver License</u>					
R708-7	Functional Ability in Driving: Guidelines for Physicians	23145	AMD	11/07/2000	2000-19/148
R708-14	Adjudicative Proceedings For Driver License Actions Involving Alcohol and Drugs	22536	AMD	02/01/2000	2000-1/43
R708-20	Motor Vehicle Accident Prevention Course Standards	22757	NSC	05/01/2000	Not Printed
R708-32	Uninsured Motorist Database	22908	5YR	06/01/2000	2000-12/60
R708-32	Uninsured Motorist Database	22909	NSC	06/20/2000	Not Printed
R708-36	Disclosure of Personal Identifying Information in MVRs	22756	NEW	06/01/2000	2000-9/180
R708-37	Certification of Licensed Instructors of Commercial Driver Training Schools to Administer Driving Skills Tests	22980	NEW	08/15/2000	2000-14/25
<u>Fire Marshal</u>					
R710-1	Concerns Servicing Portable Fire Extinguishers	22557	AMD	02/01/2000	2000-1/44
R710-2	Rules Pursuant to the Utah Fireworks Act	22558	AMD	02/01/2000	2000-1/50
R710-2	Rules Pursuant to the Utah Fireworks Act	22981	AMD	08/16/2000	2000-14/27
R710-4	Buildings Under the Jurisdiction of the State Fire Prevention Board	22982	AMD	08/16/2000	2000-14/29
R710-6	Liquefied Petroleum Gas Rules	22559	AMD	02/01/2000	2000-1/52
R710-7	Concerns Servicing Automatic Fire Suppression Systems	22560	AMD	02/01/2000	2000-1/54
R710-8	Day Care Rules	22561	AMD	02/01/2000	2000-1/57
<u>Highway Patrol</u>					
R714-500	Chemical Analysis Standards and Training	23294	5YR	11/02/2000	2000-23/66
R714-550	Rule for Spending Fees Generated by the Reinstatement of Driver Licenses	22983	R&R	08/24/2000	2000-14/32
<u>Law Enforcement and Technical Services, Regulatory Licensing</u>					
R724-9	Licensing of Private Investigators	23293	5YR	11/02/2000	2000-23/67
<u>Peace Officer Standards and Training</u>					
R728-205	Council Resolution of Public Safety Retirement Eligibility	22979	5YR	06/28/2000	2000-14/56
R728-408	Reserve and Auxiliary Officer Standards	23107	REP	10/30/2000	2000-18/83
R728-409	Refusal, Suspension, or Revocation of Peace Officer Certification	23102	AMD	10/30/2000	2000-18/84
PUBLIC SERVICE COMMISSION					
<u>Administration</u>					
R746-310-8	Billing Adjustments	22988	AMD	09/22/2000	2000-14/35
R746-320-8	Billing Adjustments	22989	AMD	11/01/2000	2000-14/36
R746-340	Substantive Rules Governing Telecommunications Utilities	23188	EMR	10/02/2000	2000-20/60
R746-341	Lifeline Rule	23326	5YR	11/15/2000	2000-23/67

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R746-343-15	Surcharge	22798	AMD	07/01/2000	2000-10/38
R746-360-2	Definitions	22530	NSC	01/25/2000	Not Printed
R746-401	Rules Governing Reporting of Construction, Purchase, Acquisition, Sale, Transfer or Disposition of Assets by Certain Utilities	22550	NSC	01/25/2000	Not Printed
R746-405	Rules Governing the Filing of Tariffs for Gas Electric, Telephone, Water and Heat Utilities	22784	NSC	05/01/2000	Not Printed
R746-407	Annualization of test-Year Data	23327	5YR	11/15/2000	2000-23/68
REGENTS (BOARD OF)					
<u>Administration</u>					
R765-171	Postsecondary Proprietary School Act Rules	22951	AMD	SEE CPR	2000-13/59
R765-171	Postsecondary Proprietary School Act Rules	22951	CPR	10/03/2000	2000-17/74
R765-604	New Century Scholarship	22052	NEW	see CPR	99-11/63
R765-604	New Century Scholarship	22052	CPR	02/04/2000	99-20/53
R765-605	Utah Centennial Opportunity Program for Education	22816	AMD	06/15/2000	2000-10/39
R765-610	Utah Higher Education Assistance Authority Federal Family Education Loan Program, PLUS, SLS and Loan Consolidation Programs	23025	AMD	09/15/2000	2000-16/36
R765-626	Lender-of-Last-Resort Program	22822	5YR	05/05/2000	2000-11/103
R765-685	Utah Educational Savings Plan Trust	22793	AMD	07/01/2000	2000-10/43
SCHOOL AND INSTITUTIONAL TRUST LANDS					
<u>Administration</u>					
R850-10	Expedited Rulemaking	22594	5YR	01/04/2000	2000-3/92
R850-11	Procurement	22618	R&R	03/17/2000	2000-4/53
R850-40-300	Easements Acquired by Application	22795	NSC	08/01/2000	Not Printed
R850-130-400	Application Procedures	22664	NSC	02/25/2000	Not Printed
R850-140-100	Authorities	22796	NSC	08/01/2000	Not Printed
TAX COMMISSION					
<u>Administration</u>					
R861-1A	Administrative Procedures	22904	NSC	06/27/2000	Not Printed
R861-1A-12	Policies and Procedures Regarding Public Disclosure Pursuant to Utah Code Ann. Section 59-1-210	22889	NSC	06/27/2000	Not Printed
R861-1A-16	Utah State Tax Commission Management Plan Pursuant to Utah Code Ann. Section 59-1-207	23154	AMD	11/01/2000	2000-19/151
R861-1A-20	Time of Appeal Pursuant to Utah Code Ann. Sections 59-1-301, 59-1-401, 59-1-501, 59-2-1007, 59-7-517, 59-10-533, 59-12-144, 59-13-210, and 63-46b-3	22890	NSC	06/27/2000	Not Printed
R861-1A-36	Signatures on Tax Return Information Pursuant to Utah Code Ann. Sections 59-10-512 and 59-12-107	22802	AMD	06/21/2000	2000-10/44

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Auditing</u>					
R865-6F	Franchise Tax	22991	NSC	08/01/2000	Not Printed
R865-6F-14	Extent to Which Federal Income Tax Provisions Are Followed for Corporation Franchise Tax Purposes Pursuant to Utah Code Ann. Sections 59-7-106, 59-7-108, 59-7-118, and 59-7-121	22891	NSC	06/27/2000	Not Printed
R865-6F-16	Apportionment of Income of Long-Term Construction Contractors Pursuant to Utah Code Ann. Section 59-7-118	22892	NSC	06/27/2000	Not Printed
R865-6F-18	Corporations Exempt From The Franchise Tax Pursuant to Utah Code Ann. Section 59-7-105	22893	NSC	06/27/2000	Not Printed
R865-6F-19	Taxation of Trucking Companies Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22894	NSC	06/27/2000	Not Printed
R865-6F-26	Historic Preservation Tax Credits Pursuant to Utah Code Ann. Section 59-7-608	22895	NSC	06/27/2000	Not Printed
R865-6F-27	Order of Credits Applied Against Utah Corporate Franchise Tax Due Pursuant to Utah Code Ann. Sections 9-2-413, 59-6-102, 59-7-104, 59-7-109, 59-7-109.5, 59-7-110, 59-7-110.5, 59-7-110.7, 59-7-110.8, 59-10-603, and 59-13-202	22896	NSC	06/27/2000	Not Printed
R865-6F-29	Taxation of Railroads Pursuant to Utah Code Ann. Sections 59-7-301 through 59-7-321	22897	NSC	06/27/2000	Not Printed
R865-9I	Income Tax	22992	NSC	08/01/2000	Not Printed
R865-9I-6	Returns by Husband and Wife, Either or Both of Whom is a Nonresident Pursuant to Utah Code Ann. Section 59-10-119	22984	AMD	08/31/2000	2000-14/37
R865-9I-46	Medical Savings Account Tax Deduction Pursuant to Utah Code Ann. Sections 31A-32-106 and 59-10-114	22898	NSC	06/27/2000	Not Printed
R865-9I-48	Adoption Expenses Deduction Pursuant to Utah Code Ann. Section 59-10-114	22899	NSC	06/27/2000	Not Printed
R865-11Q-1	Time Period Within Which an Employer Must Obtain an Experience Modification Factor Pursuant to Utah Code Ann. Section 35A-3-202	22900	NSC	06/27/2000	Not Printed
R865-12L-9	Sellers With No Fixed Place of Business Pursuant to Utah Code Ann. Section 59-12-207	22710	AMD	06/21/2000	2000-8/29
R865-12L-16	Notification to Tax Commission Upon County, City, or Town Imposition of Certain Taxes Pursuant to Utah Code Ann. Sections 59-12-118, 59-12-302, 59-12-501, 59-12-502, 59-12-603, 59-12-703, 59-12-802, and 59-12-804	22803	AMD	06/21/2000	2000-10/45
R865-13G	Motor Fuel Tax	22993	NSC	08/01/2000	Not Printed
R865-16R	Severance Tax	22996	5YR	07/07/2000	2000-15/30
R865-19S-49	Sales to and by Farmers and Other Agriculture Producers Pursuant to Utah Code Ann. Section 59-12-104	22985	AMD	08/31/2000	2000-14/39
R865-19S-103	Municipal Energy Sales and Use Tax Pursuant to Utah Code Ann. Sections 10-1-303 and 10-1-306	22758	AMD	06/21/2000	2000-9/181

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R865-19S-112	Confirmation of purchase of Admission or User Fee Relating to the Olympic Winter Games of 2002 Pursuant to Utah Code Ann. Sections 59-12-103 and 59-12-104	23155	AMD	11/01/2000	2000-19/153
R865-20T-11	Reporting of Imported Cigarettes Pursuant to Utah Code Ann. Section 59-14-212	23130	AMD	11/01/2000	2000-18/86
<u>Motor Vehicle</u>					
R873-22M	Motor Vehicle	22994	NSC	08/01/2000	Not Printed
R873-22M-27	Issuance of Special Group License Plates Pursuant to Utah Code Ann. Sections 41-1a-408, 41-1a-409 and 41-1a-414	22901	NSC	06/27/2000	Not Printed
R873-22M-36	Access to Protected Motor Vehicle Records Pursuant to Utah Code Ann. Section 41-1a-116	22902	NSC	06/27/2000	Not Printed
R873-22M-38	Procedure for Reinstatement of Registration Revoked for Lack of Owner's or Operator's Security Pursuant to Utah Code Ann. Section 41-1a-1220	22804	AMD	06/20/2000	2000-10/47
<u>Motor Vehicle Enforcement</u>					
R877-23V	Motor Vehicle Enforcement	22995	NSC	08/01/2000	Not Printed
R877-23V-18	Qualifications for a Salvage Vehicle Buyer License Pursuant to Utah Code Ann. Section 41-3-202	22987	AMD	08/31/2000	2000-14/41
<u>Property Tax</u>					
R884-24P	Property Tax	23011	NSC	08/01/2000	Not Printed
R884-24P-33	2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	22627	AMD	03/28/2000	2000-4/56
R884-24P-33	2000 Personal Property Valuation Guides and Schedules Pursuant to Utah Code Ann. Section 59-2-301	23101	AMD	10/03/2000	2000-17/22
R884-24P-44	Farm Machinery and Equipment Exemption Pursuant to Utah Code Ann. Sections 59-2-102 and 59-2-1101	22508	AMD	01/20/2000	99-23/107
R884-24P-57	Judgement Levies Pursuant to Utah Code Ann. Sections 59-2-918.5, 59-2-924, 59-2-1328, and 59-2-1330	22805	AMD	06/21/2000	2000-10/47
R884-24P-60	Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1	22903	NSC	06/27/2000	Not Printed
R884-24P-60	Age-Based Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Section 59-2-405.1	23256	AMD	11/01/2000	2000-19/154
R884-24P-61	1.5 Percent Uniform Fee on Tangible Personal Property Required to be Registered with the State Pursuant to Utah Code Ann. Sections 41-1a-202, 59-2-104, 59-2-401, 59-2-402, and 59-2-405	23157	AMD	11/01/2000	2000-19/155

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R884-24P-62	Valuation of State Assessed Utility and Transportation Properties Pursuant to Utah Code Ann. Section 59-2-201	22522	AMD	01/20/2000	99-24/40
R884-24P-65	Proportional Assessment of transitory Personal Property Pursuant to Utah Code Ann. Section 59-2-402	23044	AMD	11/01/2000	2000-16/38
TRANSPORTATION					
<u>Motor Carrier</u>					
R909-1	Safety Regulations for Motor Carriers	22652	AMD	06/01/2000	2000-5/62
R909-75	Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes	22912	AMD	08/15/2000	2000-12/55
<u>Motor Carrier, Ports of Entry</u>					
R912-14	Changes in Utah's Oversize/Overweight Permit Program - Semitrailer Exceeding 48 Feet Length	22531	AMD	02/15/2000	2000-1/59
R912-16	Special Mobile Equipment	22990	NEW	08/16/2000	2000-14/42
R912-76	Single Tire Configuration	22751	NSC	05/01/2000	Not Printed
<u>Operations, Aeronautics</u>					
R914-1	Rules and Regulations of the Utah State Aeronautical Committee	22810	NSC	05/23/2000	Not Printed
R914-2	Safety Rules and Procedures for Aircraft Operations on Roads	22811	NSC	05/23/2000	Not Printed
<u>Operations, Maintenance</u>					
R918-2	Widening Pavement to Curb and Gutter	22914	NSC	06/27/2000	Not Printed
<u>Operation, Traffic and Safety</u>					
R920-50	Tramway Operations Safety Rules	22617	AMD	03/24/2000	2000-4/64
R920-50	Tramway Operations Safety Rules	22978	AMD	08/31/2000	2000-14/43
<u>Preconstruction</u>					
R930-6	Rules for the Accommodation of Utility Facilities and the Control and Protection of State Highway Rights-of-Way	23105	5YR	08/23/2000	2000-18/99
TREASURER					
<u>Unclaimed Property</u>					
R966-1	Requirements for Claims where no Proof of Stock Ownership Exists	22799	NSC	05/23/2000	Not Printed
WORKFORCE SERVICES					
<u>Administration</u>					
R982-601-105	Reporting Requirements	22833	NSC	05/25/2000	Not Printed

RULES INDEX

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Employment Development</u>					
R986-100	Employment Support Programs	23047	NEW	10/02/2000	2000-16/40
R986-100	Employment Support Programs	23190	NSC	11/01/2000	Not printed
R986-200	Family Employment Program	23048	NEW	10/02/2000	2000-16/49
R986-200	Family Employment Program	23191	NSC	11/01/2000	Not Printed
R986-211	Financial Assistance General Provisions	23055	REP	10/02/2000	2000-16/63
R986-212	Financial Assistance Coverage and Conditions of Eligibility	23056	REP	10/02/2000	2000-16/65
R986-213	Financial Assistance Need and Amount of Assistance	23057	REP	10/02/2000	2000-16/70
R986-214	Financial Assistance Applications, Redeterminations, and Change Reporting	23058	REP	10/02/2000	2000-16/74
R986-215	Financial Assistance Verification and Safeguarding Requirements	23059	REP	10/02/2000	2000-16/76
R986-216	Financial Assistance Emergency Work Program (EWP)	23060	REP	10/02/2000	2000-16/77
R986-218	Financial Assistance General Assistance/Self-Sufficiency Program	23061	REP	10/02/2000	2000-16/80
R986-219	Financial Assistance Notice, Hearings, and Conciliation	23062	REP	10/02/2000	2000-16/83
R986-220	Financial Assistance Tables	23063	REP	10/02/2000	2000-16/84
R986-221	Demonstration Programs	23064	REP	10/02/2000	2000-16/85
R986-222	Adoption Assistance Program	23065	REP	10/02/2000	2000-16/87
R986-300	Refugee Resettlement Program	23049	NEW	10/02/2000	2000-16/88
R986-300	Refugee Resettlement Program	23192	NSC	11/01/2000	Not Printed
R986-400	General Assistance and Working Toward Employment	23050	NEW	10/02/2000	2000-16/90
R986-400	General Assistance and Working Toward Employment	23193	NSC	11/01/2000	Not Printed
R986-411	General Provisions	23066	REP	10/02/2000	2000-16/94
R986-412	Conditions of Eligibility	23067	REP	10/02/2000	2000-16/96
R986-413	Program Standards	23068	REP	10/02/2000	2000-16/99
R986-414	Income	23069	REP	10/02/2000	2000-16/100
R986-415	Assets	23070	REP	10/02/2000	2000-16/102
R986-416	Benefits	23071	REP	10/02/2000	2000-16/103
R986-417	Documentation	23072	REP	10/02/2000	2000-16/105
R986-418	Case Management	23073	REP	10/02/2000	2000-16/106
R986-418-812	Claims Against the Household	22834	NSC	05/25/2000	Not Printed
R986-419	Income Limits	23074	REP	10/02/2000	2000-16/108
R986-420	Maximum Allotments	23075	REP	10/02/2000	2000-16/109
R986-421	Demonstration Programs	23076	REP	10/02/2000	2000-16/110
R986-500	Adoption Assistance	23051	NEW	10/02/2000	2000-16/111
R986-501	Displaced Homemaker Program	23077	REP	10/02/2000	2000-16/113
R986-700	Child Care Assistance	23052	NEW	10/02/2000	2000-16/115
R986-701	Child Care Assistance General Provisions	23078	REP	10/02/2000	2000-16/119
R986-702	Conditions of Eligibility and Client Payment Amount	23079	REP	10/02/2000	2000-16/121
R986-703	Child Care Programs	23080	REP	10/02/2000	2000-16/123

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R986-704	Income Rules and Eligibility Calculations	23081	REP	10/02/2000	2000-16/124
R986-705	Resources	23082	REP	10/02/2000	2000-16/126
R986-706	Provider Payment and Contracting	23083	REP	10/02/2000	2000-16/127
R986-707	Eligibility	23084	REP	10/02/2000	2000-16/128
R986-800	Displaced Homemaker Program	23053	NEW	10/02/2000	2000-16/130
R986-900	Food Stamps	23054	NEW	10/02/2000	2000-16/131
R986-900	Food Stamps	23194	NSC	11/01/2000	Not Printed
<u>Workforce Information and Payment Services</u>					
R994-102	Purpose of Employment Security Act	22823	NSC	05/25/2000	Not Printed
R994-202-103	Employee Leasing Companies	22548	AMD	02/02/2000	2000-1/60
R994-202-103	Employee Leasing Companies	22824	NSC	05/25/2000	Not Printed
R994-204	Included Employment	22721	5YR	04/04/2000	2000-9/187
R994-204-303	Factors Determining Independent Contractor Status	22825	NSC	05/25/2000	Not Printed
R994-205	Exempt Employment	22722	5YR	04/04/2000	2000-9/188
R994-206	Agricultural Labor	22723	5YR	04/04/2000	2000-9/188
R994-207	Unemployment	23149	5YR	09/14/2000	2000-19/163
R994-307-101	Relief of Charges to Contributing Employers	22826	NSC	05/25/2000	Not Printed
R994-308-106	Interest Earned on Cash Deposits	22827	NSC	05/25/2000	Not Printed
R994-315-105	Waiver of Penalty for Failure to Report	22614	AMD	04/21/2000	2000-4/66
R994-403	Claim for Benefits	22828	NSC	05/25/2000	Not Printed
R994-404	Wage Freeze Following Workers' Compensation	22829	NSC	05/25/2000	Not Printed
R994-405-503	Evidence and Burden of Proof	22800	AMD	06/16/2000	2000-10/49
R994-700	Licensing and Regulation of Private Employment Agencies	22705	REP	06/16/2000	2000-7/16

The Keyword Index Begins on the Following Page

RULES INDEX - BY KEYWORD (SUBJECT)

ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or
5YR = Five-Year Review	repealed text not printed in <i>Bulletin</i>
EXD = Expired	

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ACADEMIC PERFORMANCE</u>					
Education, Administration	22593	R277-472	NSC	01/25/2000	Not Printed
	23005	R277-472	NSC	08/01/2000	Not Printed
<u>ACCESS</u>					
Environmental Quality, Drinking Water	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38
<u>ACCIDENT PREVENTION</u>					
Public Safety, Driver License	22757	R708-20	NSC	05/01/2000	Not Printed
<u>ACCOUNTANTS</u>					
Commerce, Occupational and Professional Licensing	22887	R156-26 (Changed to R156-26a)	AMD	07/18/2000	2000-12/7
<u>ACCOUNTS</u>					
Money Management Council, Administration	23200	R628-4	5YR	10/11/2000	2000-21/74
	23201	R628-4	NSC	11/01/2000	Not Printed
<u>ADA (Americans with Disabilities Act)</u>					
Commerce, Administration	23254	R151-3-8	NSC	11/01/2000	Not Printed
<u>ADJUDICATIVE PROCEEDINGS</u>					
Public Safety, Driver License	22536	R708-14	AMD	02/01/2000	2000-1/43
<u>ADMINISTRATIVE LAW</u>					
Administrative Services, Administrative Rules	23225	R15-1	5YR	10/16/2000	2000-21/67
	23226	R15-2	5YR	10/16/2000	2000-21/67
	23227	R15-3	5YR	10/16/2000	2000-21/68
	23228	R15-4	5YR	10/16/2000	2000-21/69
	23229	R15-5	5YR	10/16/2000	2000-21/69
Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
<u>ADMINISTRATIVE PROCEDURES</u>					
Administrative Services, Administrative Rules	23229	R15-5	5YR	10/16/2000	2000-21/69
	23230	R15-6	5YR	10/16/2000	2000-21/70
Administrative Services, Fleet Operations	22807	R27-2	NSC	05/23/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Administrative Services, Fleet Operations, Surplus Property	22809	R28-3	NSC	05/23/2000	Not Printed
Agriculture and Food, Animal Industry	22905	R58-14	AMD	07/18/2000	2000-12/5
Commerce, Administration	22761	R151-46b	AMD	06/01/2000	2000-9/4
Commerce, Occupational and Professional Licensing	22861	R156-46b	AMD	07/06/2000	2000-11/6
	23127	R156-46b	AMD	10/17/2000	2000-18/39
Crime Victim Reparations, Administration	23042	R270-2	AMD	09/15/2000	2000-16/15
Environmental Quality, Air Quality	22727	R307-102-1	AMD	08/03/2000	2000-9/28
	22838	R307-102-1	NSC	08/03/2000	Not Printed
Environmental Quality, Drinking Water	23099	R309-150	5YR	08/10/2000	2000-17/87
	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57
	22850	R477-12	AMD	07/05/2000	2000-11/82
	22854	R477-15	AMD	07/05/2000	2000-11/87
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
Natural Resources, Parks and Recreation	22750	R651-101	NSC	05/01/2000	Not Printed
Natural Resources; Forestry, Fire and State Lands	22680	R652-30-610	AMD	07/13/2000	2000-6/39
	22428	R652-40-300	NSC	05/25/2000	Not Printed
	22681	R652-50-610	AMD	07/13/2000	2000-6/40
	22819	R652-70-2400	AMD	02/29/2000	99-21/47
	22835	R652-120	5YR	05/09/2000	2000-11/102
Natural Resources, Water Resources	22763	R653-7	NSC	05/01/2000	Not Printed
Public Safety, Driver License	23145	R708-7	AMD	11/07/2000	2000-19/148
School and Institutional Trust Lands, Administration	22594	R850-10	5YR	01/04/2000	2000-3/92
	22795	R850-40-300	NSC	08/01/2000	Not Printed
	22664	R850-130-400	NSC	02/25/2000	Not Printed
<u>ADMINISTRATIVE RESPONSIBILITY</u>					
Human Resource Management, Administration	22840	R477-2	AMD	07/05/2000	2000-11/52
	22959	R477-2	NSC	07/05/2000	Not Printed
	22841	R477-3	NSC	07/05/2000	Not Printed
<u>ADMINISTRATIVE RULES</u>					
Human Resource Management, Administration	22851	R477-13	AMD	07/05/2000	2000-11/84
<u>ADOPTION</u>					
Human Services, Child and Family Services	22815	R512-41	EMR	05/01/2000	2000-10/58
	22877	R512-41	AMD	07/20/2000	2000-12/51
<u>ADOPTION ASSISTANCE</u>					
Workforce Services, Employment Development	23065	R986-222	REP	10/02/2000	2000-16/87

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	23051	R986-500	NEW	10/02/2000	2000-16/111
<u>ADULT EDUCATION</u>					
Education, Administration	22719	R277-702	AMD	05/16/2000	2000-8/8
	22611	R277-904	AMD	03/03/2000	2000-2/13
Workforce Services, Employment Development	23077	R986-501	REP	10/02/2000	2000-16/113
<u>ADULT PROTECTIVE SERVICES</u>					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
<u>ADVERTISING</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22998	R606-4	5YR	07/07/2000	2000-15/29
<u>AFDC (Aid to Families with Dependent Children)</u>					
Human Services, Recovery Services	22487	R527-24	REP	01/10/2000	99-23/86
Public Service Commission, Administration	22798	R746-343-15	AMD	07/01/2000	2000-10/38
Workforce Services, Employment Development	23056	R986-212	REP	10/02/2000	2000-16/65
	23057	R986-213	REP	10/02/2000	2000-16/70
<u>AFDC APPLICATIONS</u>					
Workforce Services, Employment Development	23058	R986-214	REP	10/02/2000	2000-16/74
<u>AIDS</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	22970	R388-801	NSC	08/01/2000	Not Printed
	22837	R388-802	NSC	05/25/2000	Not Printed
<u>AIRCRAFT</u>					
Tax Commission, Motor Vehicle	22994	R873-22M	NSC	08/01/2000	Not Printed
	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
<u>AIR POLLUTION</u>					
Environmental Quality, Air Quality	22928	R307-101-2	AMD	10/05/2000	2000-13/25
	22727	R307-102-1	AMD	08/03/2000	2000-9/28
	22838	R307-102-1	NSC	08/03/2000	Not Printed
	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
	22688	R307-115	NSC	03/20/2000	Not Printed
	23133	R307-115	5YR	09/06/2000	2000-19/161
	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22687	R307-122-2	NSC	03/20/2000	Not Printed
	22605	R307-150	AMD	04/06/2000	2000-3/21
	22929	R307-150-2	AMD	10/05/2000	2000-13/32
	23090	R307-170	5YR	08/07/2000	2000-17/79

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	23089	R307-205	5YR	08/02/2000	2000-17/86
	23014	R307-214	AMD	11/02/2000	2000-15/18
	23039	R307-220-1	NSC	09/01/2000	Not Printed
	22724	R307-320	5YR	04/05/2000	2000-9/184
	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
	22668	R307-801	AMD	see CPR	2000-5/10
	22668	R307-801	AMD	08/01/2000	2000-13/67
<u>AIRPORTS</u>					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
<u>AIR QUALITY</u>					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
<u>AIRSPACE</u>					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
<u>AIR TRAFFIC</u>					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
<u>AIR TRAVEL</u>					
Administrative Services, Finance	22836	R25-7	AMD	see CPR	2000-11/4
	22836	R25-7	CPR	09/02/2000	2000-14/54
<u>ALARM COMPANY</u>					
Commerce, Occupational and Professional Licensing	22878	R156-55d	NEW	07/18/2000	2000-12/18
	23032	R156-55d	AMD	09/18/2000	2000-16/7
	22737	R156-65	NSC	05/01/2000	Not Printed
	22888	R156-65	REP	07/18/2000	2000-12/21
<u>ALCOHOL</u>					
Public Safety, Highway Patrol	23294	R714-500	5YR	11/02/2000	2000-23/66
	22983	R714-550	R&R	08/24/2000	2000-14/32
<u>ALCOHOLIC BEVERAGES</u>					
Alcoholic Beverage Control, Administration	23038	R81-1-3	AMD	10/02/2000	2000-16/4
	22639	R81-1-7	AMD	03/27/2000	2000-4/4
	22752	R81-1-12	NSC	05/01/2000	Not Printed
	22812	R81-1-12	AMD	07/03/2000	2000-10/4
	23040	R81-3	AMD	10/02/2000	2000-16/5
<u>ALIMONY</u>					
Human Services, Recovery Services	23030	R527-450	5YR	07/26/2000	2000-16/133
	23031	R527-450	AMD	09/18/2000	2000-16/22
<u>ALTERNATIVE LANGUAGE SERVICES</u>					
Education, Administration	22948	R277-716	AMD	08/01/2000	2000-13/21
<u>ALTERNATIVE ONSITE WASTEWATER SYSTEMS</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
<u>ALTERNATIVE SYSTEMS</u>					
Environmental Quality, Water Quality	22491	R317-501	REP	02/16/2000	99-23/45

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>AMERICANS WITH DISABILITIES</u>					
Commerce, Administration	23254	R151-3-8	NSC	11/01/2000	Not Printed
<u>ANTIDISCRIMINATION</u>					
Commerce, Administration	23254	R151-3-8	NSC	11/01/2000	Not Printed
<u>APPELLATE PROCEDURES</u>					
Administrative Services, Fleet Operations	22807	R27-2	NSC	05/23/2000	Not Printed
Crime Victim Reparations, Administration	23042	R270-2	AMD	09/15/2000	2000-16/15
<u>APPLIED TECHNOLOGY EDUCATION</u>					
Education, Administration	22611	R277-904	AMD	03/03/2000	2000-3/13
Workforce Services, Employment Development	23077	R986-501	REP	10/02/2000	2000-16/113
<u>APPRAISAL</u>					
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	23101	R884-24P-33	AMD	10/03/2000	2000-17/22
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	23256	R884-24P-60	AMD	11/01/2000	2000-19/154
	23157	R884-24P-61	AMD	11/01/2000	2000-19/155
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
	23044	R884-24P-65	AMD	11/01/2000	2000-16/38
<u>AQUACULTURE</u>					
Agriculture and Food, Animal Industry	22931	R58-17	5YR	06/15/2000	2000-13/73
	22879	R58-17-2	NSC	06/26/2000	Not Printed
	23109	R58-17-15	AMD	10/17/2000	2000-18/8
<u>ARCHITECTS</u>					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
<u>ART DONATIONS</u>					
Community and Economic Development, Community Development, Fine Arts	23220	R207-2	NSC	11/01/2000	Not Printed
<u>ART FINANCING</u>					
Community and Economic Development, Community Development, Fine Arts	23219	R207-1	NSC	11/01/2000	Not Printed
<u>ART IN PUBLIC PLACES</u>					
Community and Economic Development, Community Development, Fine Arts	23219	R207-1	NSC	11/01/2000	Not Printed
	23220	R207-2	NSC	11/01/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ART LOANS</u>					
Community and Economic Development, Community Development, Fine Arts	23220	R207-2	NSC	11/01/2000	Not Printed
<u>ART PRESERVATION</u>					
Community and Economic Development, Community Development, Fine Arts	23219	R207-1	NSC	11/01/2000	Not Printed
<u>ARTS</u>					
Education, Administration	23213	R277-444	5YR	10/13/2000	2000-21/72
<u>ART WORK</u>					
Community and Economic Development, Community Development, Fine Arts	23220	R207-2	NSC	11/01/2000	Not Printed
<u>ASBESTOS</u>					
Environmental Quality, Air Quality	22668	R307-801	R&R	see CPR	2000-5/10
	22668	R307-801	CPR	08/01/2000	2000-13/67
<u>ASBESTOS HAZARD EMERGENCY RESPONSE</u>					
Environmental Quality, Air Quality	22668	R307-801	R&R	see CPR	2000-5/10
	22668	R307-801	CPR	08/01/2000	2000-13/67
<u>ASSISTANCE</u>					
Human Resources, Recovery Services	22937	R527-332	NEW	08/01/2000	2000-13/44
Natural Resources, Parks and Recreation	22869	R651-301	AMD	07/04/2000	2000-11/93
<u>AUTOMOBILES</u>					
Commerce, Administration	23257	R151-14	NSC	11/01/2000	Not Printed
<u>AVIATION SAFETY</u>					
Transportation, Operations, Aeronautics	22810	R914-1	NSC	05/23/2000	Not Printed
	22811	R914-2	NSC	05/23/2000	Not Printed
<u>BANKING LAW</u>					
Money Management Council, Administration	23222	R628-4	NSC	11/01/2000	Not Printed
	23221	R628-11	5YR	10/13/2000	2000-21/74
	23283	R628-12	5YR	11/01/2000	2000-22/81
<u>BANKS AND BANKING</u>					
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed
Human Resources, Recovery Services	22936	R527-928	AMD	08/01/2000	2000-13/45
<u>BEAR</u>					
Natural Resources, Wildlife Resources	22714	R657-33	AMD	05/17/2000	2000-8/23
<u>BENEFITS</u>					
Workforce Services, Employment Development	23070	R986-415	REP	10/02/2000	2000-16/102
	23072	R986-417	REP	10/02/2000	2000-16/105
	23073	R986-418	REP	10/02/2000	2000-16/106
	22834	R986-418-812	NSC	05/25/2000	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>BIG GAME SEASONS</u>					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
	22880	R657-5	AMD	07/18/2000	2000-12/53
	22938	R657-5-15	AMD	08/01/2000	2000-13/55
<u>BIRDS</u>					
Natural Resources, Wildlife Resources	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10
	23123	R657-9	AMD	10/17/2000	2000-18/73
	22881	R657-15	5YR	05/22/2000	2000-12/59
	22651	R657-46	AMD	04/04/2000	2000-5/51
<u>BOATING</u>					
Natural Resources, Parks and Recreation	22613	R651-205	AMD	03/27/2000	2000-4/51
<u>BOILERS</u>					
Labor Commission, Occupational Safety and Health	22926	R614-6-1	NSC	06/27/2000	Not Printed
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
	22782	R616-2-3	AMD	06/02/2000	2000-9/176
	23034	R616-2-8	NSC	09/01/2000	Not Printed
<u>BONDING REQUIREMENTS</u>					
Human Services, Recovery Services	22916	R527-394	5YR	06/02/2000	2000-13/73
Money Management Council, Administration	23200	R628-4	5YR	10/11/2000	2000-21/74
	23201	R628-4	NSC	11/01/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22827	R994-308-106	NSC	05/25/2000	Not Printed
<u>BONDS</u>					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
<u>BOXING</u>					
Commerce, Occupational and Professional Licensing	22589	R156-66	AMD	02/15/2000	2000-2/14
<u>BREATH TESTING</u>					
Public Safety, Highway Patrol	23294	R714-500	5YR	11/02/2000	2000-23/66
<u>BROAD SCOPE</u>					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59
<u>BUDGETING</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22703	R414-304	EMR	03/09/2000	2000-7/19
	22921	R414-304	AMD	08/02/2000	2000-13/33
<u>BUILDING CODES</u>					
Commerce, Occupational and Professional Licensing	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
<u>BUILDING INSPECTION</u>					
Commerce, Occupational and Professional Licensing	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
<u>BURGLAR ALARMS</u>					
Commerce, Occupational and Professional Licensing	22878	R156-55d	NEW	07/18/2000	2000-12/18
	23032	R156-55d	AMD	09/18/2000	2000-16/7
	22737	R156-65	NSC	05/01/2000	Not Printed
	22888	R156-65	REP	07/18/2000	2000-12/21
<u>BURNS</u>					
Natural Resources; Forestry, Fire and State Lands	22835	R652-120	5YR	05/09/2000	2000-11/102
<u>CAPITAL OUTLAY EQUALIZATION</u>					
Education, Administration	22564	R277-430	REP	02/01/2000	2000-1/10
<u>CAPITOL-PRESERVATION</u>					
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
<u>CAREGIVER</u>					
Human Services, Aging and Adult Services	23325	R510-401	5YR	11/15/2000	2000-23/64
<u>CARE RECEIVER</u>					
Human Services, Aging and Adult Services	23325	R510-401	5YR	11/15/2000	2000-23/64
<u>CASH MANAGEMENT</u>					
Money Management Council	23299	R628-16	5YR	11/03/2000	2000-23/66
<u>CERTIFICATION</u>					
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
	22782	R616-2-3	AMD	06/02/2000	2000-9/176
	23034	R616-2-8	NSC	09/01/2000	Not Printed
Public Safety, Peace Officer Standards and Training	23102	R728-409	AMD	10/30/2000	2000-18/84
<u>CHARACTER EDUCATION</u>					
Education, Administration	23214	R277-465	5YR	10/13/2000	2000-21/72

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>CHARITIES</u>					
Tax Commission, Auditing	22985	R865-19S-49	AMD	08/31/2000	2000-14/39
	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
	23155	R865-19S-112	AMD	11/01/2000	2000-19/153
<u>CHILD ABUSE</u>					
Education, Administration	23004	R277-401	NSC	08/01/2000	Not Printed
<u>CHILD CARE</u>					
Workforce Services, Employment Development	23052	R986-700	NEW	10/02/2000	2000-16/115
	23078	R986-701	REP	10/02/2000	2000-16/119
	23079	R986-702	REP	10/02/2000	2000-16/121
	23080	R986-703	REP	10/02/2000	2000-16/123
	23081	R986-704	REP	10/02/2000	2000-16/124
	23082	R986-705	REP	10/02/2000	2000-16/126
	23083	R986-706	REP	10/02/2000	2000-16/127
	23084	R986-707	REP	10/02/2000	2000-16/128
<u>CHILD CARE FACILITIES</u>					
Health, Health Systems Improvement, Child Care Licensing	23091	R430-90	AMD	11/02/2000	2000-17/20
<u>CHILDREN</u>					
Workforce Services, Employment Development	23078	R986-701	REP	10/02/2000	2000-16/119
	23079	R986-702	REP	10/02/2000	2000-16/12
<u>CHILDREN'S HEALTH BENEFITS</u>					
Health, Children's Insurance Program	23027	R382-10	AMD	10/10/2000	2000-16/20
<u>CHILD SUPPORT</u>					
Human Services, Administration	23167	R495-879	NSC	10/01/2000	Not Printed
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
	22692	R527-10	5YR	03/01/2000	2000-6/48
	22487	R527-24	REP	01/10/2000	99-23/86
	22628	R527-34-1	AMD	03/24/2000	2000-4/42
	22656	R527-40	5YR	02/10/2000	2000-5/65
	22820	R527-67	5YR	05/03/2000	2000-11/102
	22868	R527-100	REP	07/05/2000	2000-11/90
	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
	22937	R527-332	NEW	08/01/2000	2000-13/44
	23030	R527-450	5YR	07/26/2000	2000-16/133
	23031	R527-450	AMD	09/18/2000	2000-16/22
	22488	R527-475	AMD	01/10/2000	99-23/87
	22708	R527-475	5YR	03/24/2000	2000-8/34
	23148	R527-550	AMD	11/14/2000	2000-19/113
<u>CHILD WELFARE</u>					
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22815	R512-41	EMR	05/01/2000	2000-10/58
	22877	R512-41	AMD	07/20/2000	2000-12/51
Workforce Services, Employment Development	23056	R986-212	REP	10/02/2000	2000-16/65
<u>CITIZENSHIP</u>					
Workforce Services, Employment Development	23071	R986-416	REP	10/02/2000	2000-16/103
<u>CIVIL PROCEDURE</u>					
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
<u>CLIENT PAYMENT</u>					
Workforce Services, Employment Development	23079	R986-702	REP	10/02/2000	2000-16/121
<u>CLIENT RIGHTS</u>					
Workforce Services, Employment Development	23066	R986-411	REP	10/02/2000	2000-16/94
<u>COAL MINES</u>					
Natural Resources; Oil, Gas and Mining; Coal	22906	R645-105	5YR	06/01/2000	2000-12/58
	22214	R645-301-500	AMD	see CPR	99-16/32
	22214	R645-301-500	CPR	02/01/2000	2000-1/64
	22907	R645-400	5YR	06/01/2000	2000-12/58
<u>CODE OF CONDUCT</u>					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
<u>COLLATERAL</u>					
Money Management Council, Administration	23301	R628-13	5YR	11/07/2000	2000-23/65
<u>COLLECTIONS</u>					
Tax Commission, Auditing	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
<u>COMMUNICABLE DISEASES</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	22970	R388-801	NSC	08/01/2000	Not Printed
	22837	R388-802	NSC	05/25/2000	Not Printed
<u>COMMUNITY DEVELOPMENT</u>					
Community and Economic Development, Community Development	23183	R199-11	NSC	10/01/2000	Not Printed
<u>COMPENSATORY TIME</u>					
Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67
<u>COMPULSORY EDUCATION</u>					
Education, Administration	22610	R277-607	AMD	03/03/2000	2000-3/11
<u>CONDUCT</u>					
Commerce, Real Estate	22626	R162-106	AMD	03/20/2000	2000-4/16
	22771	R162-107	AMD	06/01/2000	2000-9/27
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>CONFIDENTIALITY</u>					
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
<u>CONFIDENTIALITY OF INFORMATION</u>					
Environmental Quality, Air Quality	22727	R307-102-1	AMD	08/03/2000	2000-9/28
	22838	R307-102-1	NSC	08/03/2000	Not Printed
Human Resource Management, Administration	22840	R477-2	AMD	07/05/2000	2000-11/52
	22959	R477-2	NSC	07/05/2000	Not Printed
Workforce Services, Employment Development	23059	R986-215	REP	10/02/2000	2000-16/76
<u>CONFLICT OF INTEREST</u>					
Human Resource Management, Administration	22847	R477-9	AMD	07/05/2000	2000-11/76
<u>CONGREGATE MEALS</u>					
Human Services, Aging and Adult Services	23158	R510-104	AMD	11/01/2000	2000-19/107
	23288	R510-104	5YR	11/01/2000	2000-22/80
<u>CONSENT</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	22785	R386-800	NEW	07/14/2000	2000-9/159
<u>CONSERVATION</u>					
Natural Resources, Wildlife Resources	22881	R657-15	5YR	05/22/2000	2000-12/59
<u>CONSTRUCTION CONTRACTS</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22997	R606-3	5YR	07/07/2000	2000-15/28
	22675	R606-3-2	NSC	03/20/2000	Not Printed
<u>CONSUMER HEARING PANEL</u>					
Human Services, Child and Family Services	23314	R512-70	5YR	11/14/2000	2000-23/64
	23315	R512-75	5YR	11/14/2000	2000-23/65
<u>CONTAMINATION</u>					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
	23184	R313-15	NSC	10/01/2000	Not Printed
<u>CONTESTS</u>					
Commerce, Occupational and Professional Licensing	22589	R156-66	AMD	02/15/2000	2000-2/14
<u>CONTINUOUS MONITORING</u>					
Environmental Quality, Air Quality	23090	R307-170	5YR	08/07/2000	2000-17/79
<u>CONTRACTING</u>					
Workforce Services, Environmental Development	23083	R986-706	REP	10/02/2000	2000-16/127
<u>CONTRACTORS</u>					
Commerce, Occupational and Professional Licensing	22725	R156-38	5YR	04/06/2000	2000-9/183
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed

<u>KEYWORD</u> <u>AGENCY</u>	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22997	R606-3	5YR	07/07/2000	2000-15/28
	22765	R606-3-2	NSC	03/20/2000	Not Printed
<u>CONTRACTS</u>					
Public Service Commission, Administration	22550	R746-401	NSC	01/25/2000	Not Printed
<u>CONVEYANCE</u>					
Natural Resources, Water Rights	22806	R655-3	NEW	07/01/2000	2000-10/35
<u>COOPERATIVE WILDLIFE MANAGEMENT UNIT</u>					
Natural Resources, Wildlife Resources	22975	R657-37	AMD	08/15/2000	2000-14/23
<u>CORRECTIONS</u>					
Corrections, Administration	22961	R251-101	NSC	08/01/2000	Not Printed
	22962	R251-705	NSC	08/01/2000	Not Printed
	22963	R251-710	NSC	08/01/2000	Not Printed
	23195	R251-303	5YR	10/04/2000	2000-21/71
<u>COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
Education, Administration	22669	R277-462	AMD	04/03/2000	2000-5/6
<u>COUNTY JAILS</u>					
Corrections, Administration	23106	R251-113	NEW	10/17/2000	2000-18/46
	23197	R251-113	NSC	11/01/2000	Not Printed
<u>COVERAGE GROUPS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22378	R414-303	AMD	see CPR	99-19/25
	22378	R414-303	CPR	01/26/2000	99-24/52
<u>CREDIT ENHANCEMENT</u>					
Environmental Quality, Drinking Water	22886	R309-350 (Changed to R309-700)	AMD	08/15/2000	2000-12/42
<u>CURRICULA</u>					
Education, Administration	23213	R277-444	5YR	10/13/2000	2000-21/72
	23214	R277-465	5YR	10/13/2000	2000-21/72
	23023	R277-475	NEW	09/01/2000	2000-15/13
	23215	R277-752	5YR	10/13/2000	2000-21/72
<u>CUSTODY OF CHILDREN</u>					
Human Services, Administration	23167	R495-879	NSC	10/01/2000	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>DAMAGE</u>					
Natural Resources, Wildlife Resources	23208	R657-24	5YR	10/12/2000	2000-21/75
<u>DAY CARE</u>					
Public Safety, Fire Marshal	22561	R710-8	AMD	02/01/2000	2000-1/57
<u>DECOMMISSIONING</u>					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59
<u>DEFINITIONS</u>					
Administrative Services, Fleet Operations	22977	R27-1	NEW	10/16/2000	2000-14/6
Environmental Quality, Air Quality	22928	R307-101-2	AMD	10/05/2000	2000-13/25
Environmental Quality, Drinking Water	22883	R309-200 (Changed to R309-110)	AMD	08/15/2000	2000-12/23
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
	23144	R313-12-3	NSC	10/01/2000	Not Printed
Human Resource Management, Administration	22839	R477-1	AMD	07/05/2000	2000-11/47
	22851	R477-13	AMD	07/05/2000	2000-11/84
<u>DEMONSTRATION</u>					
Workforce Services, Employment Development	23064	R986-221	REP	10/02/2000	2000-16/85
	23076	R986-421	REP	10/02/2000	2000-16/110
<u>DEVELOPMENT</u>					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	08/01/2000	Not Printed
<u>DEVELOPMENTALLY DISABLED</u>					
Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	23154	R861-1A-16	AMD	11/01/2000	2000-19/151
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
<u>DISABILITY INSURANCE</u>					
Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67
<u>DISASTERS</u>					
Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
<u>DISCIPLINARY ACTIONS</u>					
Education, Administration	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
Professional Practices Advisory Commission, Administration	23001	R686-101	NSC	08/01/2000	Not Printed
	23002	R686-102	NSC	08/01/2000	Not Printed
	22505	R686-103	AMD	01/05/2000	99-23/105
<u>DISCIPLINE OF EMPLOYEES</u>					
Human Resource Management, Administration	22849	R477-11	AMD	07/05/2000	2000-11/80
	22853	R477-14	AMD	07/05/2000	2000-11/85

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>DISCLOSURE REQUIREMENTS</u>					
Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	23154	R861-1A	AMD	11/01/2000	2000-19/151
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
<u>DISCRIMINATION</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22673	R606-1-2	NSC	03/20/2000	Not Printed
	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22675	R606-3-2	NSC	03/20/2000	Not Printed
	22997	R606-3	5YR	07/07/2000	2000-15/28
	22998	R606-4	5YR	07/07/2000	2000-15/29
	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
	23000	R606-6	5YR	07/07/2000	2000-15/30
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
<u>DISEASE CONTROL</u>					
Agriculture and Food, Animal Industry	22930	R58-1	AMD	08/02/2000	2000-13/3
<u>DISMISSAL OF EMPLOYEES</u>					
Human Resource Management, Administration	22849	R477-11	AMD	07/05/2000	2000-11/80
<u>DISPLACED HOMEMAKERS</u>					
Workforce Services, Employment Development	23077	R986-501	REP	10/02/2000	2000-16/113
	23053	R986-800	NEW	10/02/2000	2000-16/130
<u>DIVERSION PROGRAMS</u>					
Commerce, Occupational and Professional Licensing	23118	R156-1	AMD	10/17/2000	2000-18/36
	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
<u>DOGS</u>					
Natural Resources, Wildlife Resources	22651	R657-46	AMD	04/04/2000	2000-5/51
<u>DOMESTIC VIOLENCE</u>					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49
<u>DRAINAGE</u>					
Transportation, Operations, Maintenance	22914	R918-2	NSC	06/27/2000	Not Printed
<u>DRINKING WATER</u>					
Environmental Quality, Drinking Water	22731	R309-102	AMD	08/15/2000	2000-9/29
	22732	R309-113 (Changed to R309-600)	AMD	06/12/2000	2000-9/30

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
	23099	R309-150	5YR	08/10/2000	2000-17/87
	22883	R309-200 (Changed to R309-110)	AMD	08/15/2000	2000-12/23
	23251	R309-204	EMR	10/20/2000	2000-22/68
	22884	R309-205 (Changed to R309-520)	AMD	08/15/2000	2000-12/34
	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38
	22730	R309-302	5YR	04/10/2000	2000-9/184
	22604	R309-405	NEW	04/17/2000	2000-3/25
	22704	R309-605	NEW	06/12/2000	2000-7/8
	22927	R309-605	NSC	06/27/2000	Not Printed
<u>DRIVER EDUCATION</u>					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11
<u>DRIVER LICENSE</u>					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
<u>DRIVING TRAINING</u>					
Public Safety, Driver License	22980	R708-37	NEW	08/15/2000	2000-14/25
<u>DRUG ABUSE</u>					
Human Resource Management, Administration	22853	R477-14	AMD	07/05/2000	2000-11/85
<u>DRUG/ALCOHOL EDUCATION</u>					
Human Resource Management, Administration	22853	R477-14	AMD	07/05/2000	2000-11/85
<u>DRUGS</u>					
Public Safety, Highway Patrol	22983	R714-550	R&R	08/24/2000	2000-14/32
<u>DUAL ENROLLMENT</u>					
Education, Administration	23019	R277-438	AMD	09/01/2000	2000-15/5
<u>ECONOMIC DEVELOPMENT</u>					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
<u>EDUCATION</u>					
Commerce, Real Estate	22768	R162-103	AMD	06/01/2000	2000-9/21
Education, Administration	23023	R277-475	NEW	09/01/2000	2000-15/13
Regents (Board of), Administration	22951	R765-171	AMD	see CPR	2000-13/59
	22951	R765-171	CPR	10/03/2000	2000-17/74
<u>EDUCATIONAL FACILITIES</u>					
Education, Administration	23020	R277-445	AMD	09/01/2000	2000-15/8
	22946	R277-455	AMD	08/01/2000	2000-13/20
<u>EDUCATIONAL PROGRAM EVALUATIONS</u>					
Education, Administration	22609	R277-501	NEW	03/03/2000	2000-3/8
	22718	R277-501	AMD	05/16/2000	2000-8/4

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>EDUCATIONAL SAVINGS TRUST</u>					
Regents (Board of), Administration	22793	R765-685	AMD	07/01/2000	2000-10/43
<u>EDUCATIONAL TESTING</u>					
Education, Administration	22717	R277-473	NEW	05/16/2000	2000-8/3
	22719	R277-702	AMD	05/16/2000	2000-8/8
	23135	R277-473	NSC	11/01/2000	Not Printed
<u>EDUCATIONAL TUITION</u>					
Human Resource Management, Administration	22848	R477-10	AMD	07/05/2000	2000-11/78
<u>EDUCATION FACILITIES</u>					
Education, Administration	22563	R277-404	REP	02/01/2000	2000-1/8
<u>EDUCATION FINANCE</u>					
Education, Administration	23134	R277-419	NSC	11/01/2000	Not Printed
<u>EDUCATOR LICENSE RENEWAL</u>					
Education, Administration	22609	R277-501	NEW	03/03/2000	2000-3/8
	22718	R277-501	AMD	05/16/2000	2000-8/4
<u>EDUCATOR LICENSURE</u>					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11
<u>EDUCATORS</u>					
Professional Practices Advisory Commission, Administration	22505	R686-103	AMD	01/05/2000	99-23/105
<u>EFFLUENT STANDARDS</u>					
Environmental Quality, Water Quality	22699	R317-1-4	AMD	06/13/2000	2000-6/16
<u>ELDERLY</u>					
Human Services, Aging and Adult Services	23158	R510-104	AMD	11/01/2000	2000-19/107
	23288	R510-104	5YR	11/01/2000	2000-22/80
	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
	23325	R510-401	5YR	11/15/2000	2000-23/64
<u>ELECTRICIANS</u>					
Commerce, Occupational and Professional Licensing	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
<u>ELECTRIC UTILITY INDUSTRIES</u>					
Public Service Commission, Administration	22988	R746-310-8	AMD	09/22/2000	2000-14/35
<u>ELIGIBILITY</u>					
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49
Workforce Services, Employment Development	23079	R986-702	REP	10/02/2000	2000-16/121
	23081	R986-704	REP	10/02/2000	2000-16/124

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>EMERGENCY MEDICAL SERVICES</u>					
Health, Health Systems Improvement, Emergency Medical Services	22534	R426-6	AMD	04/30/2000	2000-1/31
	23196	R426-11	NSC	11/01/2000	Not Printed
<u>EMERGENCY PREPAREDNESS</u>					
Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
<u>EMERGENCY WORK PROGRAM</u>					
Workforce Services, Employment Development	23060	R986-216	REP	10/02/2000	2000-16/77
<u>EMISSION FEE</u>					
Environmental Quality, Air Quality	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
<u>EMPLOYEE BENEFIT PLANS</u>					
Human Resource Management, Administration	22845	R477-7	AMD	07/05/2000	2000-11/64
<u>EMPLOYEE PERFORMANCE EVALUATION</u>					
Human Resource Management, Administration	22848	R477-10	AMD	07/05/2000	2000-11/78
<u>EMPLOYEE PRODUCTIVITY</u>					
Human Resource Management, Administration	22848	R477-10	AMD	07/05/2000	2000-11/78
<u>EMPLOYEE'S RIGHTS</u>					
Human Resource Management, Administration	22850	R477-12	AMD	07/05/2000	2000-11/82
Workforce Services, Workforce Information and Payment Services	22800	R994-405-503	AMD	06/16/2000	2000-10/49
<u>EMPLOYEE TERMINATION</u>					
Workforce Services, Workforce Information and Payment Services	22800	R994-405-503	AMD	06/16/2000	2000-10/49
<u>EMPLOYMENT</u>					
Human Resource Management, Administration	22843	R477-5	AMD	07/05/2000	2000-11/58
	22844	R477-6	AMD	07/05/2000	2000-11/62
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22673	R606-1-2	NSC	03/20/2000	Not Printed
	22674	R606-2-2	NSC	03/20/2000	Not Printed
	22998	R606-4	5YR	07/07/2000	2000-15/29
	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22800	R994-405-503	AMD	06/16/2000	2000-10/49
<u>EMPLOYMENT AGENCIES</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22999	R606-5	5YR	07/07/2000	2000-15/29
	22676	R606-5-2	NSC	03/20/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22705	R994-700	REP	06/16/2000	2000-7/16

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>EMPLOYMENT SUPPORT PROCEDURES</u>					
Workforce Services, Employment Development	23047	R986-100	NEW	10/02/2000	2000-16/40
	23190	R986-100	NSC	11/01/2000	Not Printed
<u>EMPLOYMENT TESTS</u>					
Workforce Services, Workforce Information and Payment Services	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed
	22722	R994-205	5YR	04/04/2000	2000-9/188
	22723	R994-206	5YR	04/04/2000	2000-9/188
<u>ENDANGERED SPECIES</u>					
Natural Resources; Forestry, Fire and State Lands	22835	R652-120	5YR	05/09/2000	2000-11/102
<u>ENFORCEMENT</u>					
Agriculture and Food, Animal Industry	22905	R58-14	AMD	07/18/2000	2000-12/5
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
<u>ENGINEERS</u>					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
<u>ENTERPRISE ZONES</u>					
Tax Commission, Auditing	22992	R865-9I	NSC	08/01/2000	Not Printed
	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
	22989	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed
<u>ENVIRONMENT</u>					
Tax Commission, Auditing	22993	R865-13G	NSC	08/01/2000	Not Printed
<u>ENVIRONMENTAL HEALTH</u>					
Environmental Quality, Drinking Water	22732	R309-113 (Changed to R309-600)	AMD	06/12/2000	2000-9/30
	22709	R309-114 (Changed to R309-710)	AMD	06/12/2000	2000-8/9
	22704	R309-605	NEW	06/12/2000	2000-7/8
	22927	R309-605	NSC	06/27/2000	Not Printed
<u>ENVIRONMENTAL PROTECTION</u>					
Environmental Quality, Air Quality	22688	R307-115	NSC	03/20/2000	Not Printed
	23133	R307-115	5YR	09/06/2000	2000-19/161
	23039	R307-220-1	NSC	09/01/2000	Not Printed
	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
Environmental Quality, Drinking Water	23099	R309-150	5YR	08/10/2000	2000-17/87
	22730	R309-302	5YR	04/10/2000	2000-9/185
	22604	R309-405	NEW	04/17/2000	2000-3/25

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>ETHICS</u>					
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
<u>EXEMPTIONS</u>					
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
	23144	R313-12-3	NSC	10/01/2000	Not Printed
<u>EXPERIENCE</u>					
Commerce, Real Estate	22769	R162-104	AMD	06/01/2000	2000-9/23
<u>EXTINGUISHERS</u>					
Public Safety, Fire Marshal	22557	R710-1	AMD	02/01/2000	2000-1/44
<u>FACILITIES USE</u>					
Capitol Preservation Board (State), Administration	22568	R131-2	NEW	03/13/2000	2000-1/4
<u>FACULTY</u>					
Education, Administration	23004	R277-401	NSC	08/01/2000	Not Printed
<u>FAIR EMPLOYMENT PRACTICES</u>					
Human Resource Management, Administration	22840	R477-2	AMD	07/05/2000	2000-11/52
	22959	R477-2	NSC	07/05/2000	Not Printed
	22843	R477-5	AMD	07/05/2000	2000-11/58
<u>FAIR HOUSING</u>					
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
<u>FAIRS</u>					
Fair Corporation (Utah State), Administration	22647	R315-2-2	AMD	see CPR	2000-5/31
	22647	R315-2-2	CPR	06/05/2000	2000-8/32
<u>FAMILY EMPLOYMENT PROGRAM</u>					
Workforce Services, Employment Development	23048	R986-200	NEW	10/02/2000	2000-16/49
	23191	R986-200	NSC	11/01/2000	Not Printed
<u>FEED CONTAMINATION</u>					
Agriculture and Food, Plant Industry	22753	R68-2	NSC	05/01/2000	Not Printed
<u>FEES</u>					
Natural Resources, Parks and Recreation	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18
Public Safety, Highway Patrol	22983	R714-550	R&R	08/24/2000	2000-14/32
<u>FERTILIZERS</u>					
Agriculture and Food, Plant Industry	23218	R68-3	5YR	10/13/2000	2000-21/71
<u>FILING DEADLINES</u>					
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
<u>FINANCIAL AID</u>					
Regents (Board of), Administration	22816	R765-605	AMD	06/15/2000	2000-10/39

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>FINANCIAL ASSISTANCE</u>					
Environmental Quality, Drinking Water	22711	R309-351 (Changed to R309-351)	AMD	05/16/2000	2000-8/11
<u>FINANCIAL ASSISTANCE AMOUNT</u>					
Workforce Services, Employment Development	23063	R986-220	REP	10/02/2000	2000-16/84
<u>FINANCIAL DISCLOSURE</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22703	R414-304	EMR	03/09/2000	2000-7/19
	22921	R414-304	AMD	08/02/2000	2000-13/33
Workforce Services, Employment Development	23057	R986-213	REP	10/02/2000	2000-16/70
<u>FINANCIAL INFORMATION</u>					
Human Services, Recovery Services	22692	R527-10	5YR	03/01/2000	2000-6/48
<u>FINANCIAL INSTITUTIONS</u>					
Financial Institutions, Administration	22830	R331-9	NSC	05/25/2000	Not Printed
	23108	R331-10	AMD	10/17/2000	2000-18/48
	23222	R628-11	NSC	11/01/2000	Not Printed
Money Management Council, Administration	23221	R628-11	5YR	10/13/2000	2000-21/74
	23283	R628-12	5YR	11/01/2000	2000-22/81
	23301	R628-13	5YR	11/07/2000	2000-23/65
<u>FIREPLACE</u>					
Environmental Quality, Air Quality	22687	R307-122-2	NSC	03/20/2000	Not Printed
<u>FIRE PREVENTION</u>					
Public Safety, Fire Marshal	22557	R710-1	AMD	02/01/2000	2000-1/44
	22982	R710-4	AMD	08/16/2000	2000-14/29
	22560	R710-7	AMD	02/01/2000	2000-1/54
	22561	R710-8	AMD	02/01/2000	2000-1/57
<u>FIREWORKS</u>					
Public Safety, Fire Marshal	22558	R710-2	AMD	02/01/2000	2000-1/50
	22981	R710-2	AMD	08/16/2000	2000-14/27
<u>FISCAL</u>					
Natural Resources, Parks and Recreation	22869	R651-301	AMD	07/04/2000	2000-11/93
<u>FISH</u>					
Natural Resources, Wildlife Resources	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
<u>FISHING</u>					
Natural Resources, Wildlife Resources	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
<u>FOOD INSPECTION</u>					
Agriculture and Food, Animal Services	23305	R58-10	5YR	11/08/2000	2000-23/63

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Agriculture and Food, Regulatory Services	22657	R70-310	5YR	02/10/2000	2000-5/64
	22658	R70-310	AMD	04/03/2000	2000-5/5
	22707	R70-310-2	NSC	05/01/2000	Not Printed
	22596	R70-630	5YR	01/11/2000	2000-3/91
	22597	R70-630	AMD	03/03/2000	2000-3/5
<u>FOOD STAMPS</u>					
Workforce Services, Employment Development	23068	R986-413	REP	10/02/2000	2000-16/99
	23070	R986-415	REP	10/02/2000	2000-16/102
	23071	R986-416	REP	10/02/2000	2000-16/103
	23072	R986-417	REP	10/02/2000	2000-16/105
	23073	R986-418	REP	10/02/2000	2000-16/106
	22834	R986-418-812	NSC	05/25/2000	Not Printed
	23074	R986-419	REP	10/02/2000	2000-16/108
	23075	R986-420	REP	10/02/2000	2000-16/109
	23054	R986-900	NEW	10/02/2000	2000-16/131
	23194	R986-900	NSC	11/01/2000	Not Printed
	<u>FOSTER CARE</u>				
Human Services, Administration, Administrative Services, Licensing	22629	R501-12	AMD	03/17/2000	2000-4/38
	Human Services, Recovery Services	23148	R527-550	AMD	11/16/2000
<u>FRANCHISES</u>					
Commerce, Administration Tax Commission, Auditing	23257	R151-14	NSC	11/01/2000	Not Printed
	22991	R865-6F	NSC	08/01/2000	Not Printed
	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
22897	R865-6F-29	NSC	06/27/2000	Not Printed	
<u>FRAUD</u>					
Human Resources, Recovery Services	22936	R527-928	AMD	08/01/2000	2000-13/45
<u>FUGITIVE EMISSIONS</u>					
Environmental Quality, Air Quality	23089	R307-205	5YR	08/02/2000	2000-17/86
<u>FURBEARERS</u>					
Natural Resources, Wildlife Resources	23126	R657-11	5YR	08/30/2000	2000-18/99
<u>GAME LAWS</u>					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
	22880	R657-5	AMD	07/18/2000	2000-12/53
	22938	R657-5-15	AMD	08/01/2000	2000-13/55
	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	23124	R657-10	AMD	10/17/2000	2000-18/76
	23126	R657-11	5YR	08/30/2000	2000-18/99
	23125	R657-11	AMD	10/17/2000	2000-18/79
	22712	R657-19	5YR	03/30/2000	2000-8/34
	22733	R657-19	NSC	05/01/2000	Not Printed
	22713	R657-19	AMD	05/17/2000	2000-8/20
	22714	R657-33	AMD	05/17/2000	2000-8/23
<u>GASOLINE</u>					
Tax Commission, Auditing	22993	R865-13G	NSC	08/01/2000	Not Printed
<u>GENERAL ASSISTANCE</u>					
Workforce Services, Employment Development	23050	R986-400	NEW	10/02/2000	2000-16/90
	23193	R986-400	NSC	11/01/2000	Not Printed
<u>GENERAL CONFORMITY</u>					
Environmental Quality, Air Quality	22688	R307-115	NSC	03/20/2000	Not Printed
	23133	R307-115	5YR	09/06/2000	2000-19/161
<u>GENERAL PROVISIONS</u>					
Workforce Services, Employment Development	23078	R986-701	REP	10/02/2000	2000-16/119
<u>GOOD CAUSE</u>					
Human Services, Recovery Services	22487	R527-24	REP	01/10/2000	99-23/86
<u>GOVERNMENT DOCUMENTS</u>					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
<u>GOVERNMENT ETHICS</u>					
Human Resource Management, Administration	22847	R477-9	AMD	07/05/2000	2000-11/76
<u>GOVERNMENT HEARINGS</u>					
Administrative Services, Administrative Rules	23225	R15-1	5YR	10/16/2000	2000-21/67
Commerce, Administration	22761	R151-46b	AMD	06/01/2000	2000-9/4
Commerce, Occupational and Professional Licensing	22861	R156-46b	AMD	07/06/2000	2000-11/6
	23127	R156-46b	AMD	10/17/2000	2000-18/39
Financial Institutions, Administration	22830	R331-9	NSC	05/25/2000	Not Printed
Human Resource Management, Administration	22849	R477-11	AMD	07/05/2000	2000-11/80
Workforce Services, Employment Development	23073	R986-418	REP	10/02/2000	2000-16/106
	22834	R986-418-812	NSC	05/25/2000	Not Printed
<u>GOVERNMENT PURCHASING</u>					
Administrative Services, Purchasing and General Services	22678	R33-3	AMD	06/15/2000	2000-6/3
	22679	R33-5	AMD	06/15/2000	2000-6/10
	22971	R33-5-510	NSC	08/01/2000	Not Printed
School and Institutional Trust Lands, Administration	22618	R850-11	R&R	03/17/2000	2000-4/53

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>GRANTS</u>					
Community and Economic Development, Community Development	23183	R199-11	NSC	10/01/2000	Not Printed
Environmental Quality, Water Quality	23209	R317-100	AMD	11/10/2000	2000-16/17
Health, Health Systems Improvement, Primary Care and Rural Health	22622	R434-20	AMD	03/24/2000	2000-4/31
<u>GRIEVANCE PROCEDURES</u>					
Career Service Review Board, Administration	23281	R137-1	NSC	11/01/2000	Not Printed
Human Services, Child and Family Services	23314	R512-70	5YR	11/14/2000	2000-23/64
	23315	R512-75	5YR	11/14/2000	2000-23/65
Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	23154	R861-1A-16	AMD	11/01/2000	2000-19/151
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
<u>GRIEVANCES</u>					
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57
	22849	R477-11	AMD	07/05/2000	2000-11/80
	22850	R477-12	AMD	07/05/2000	2000-11/82
<u>HALF WAY HOUSES</u>					
Corrections, Administration	23195	R251-303	5YR	10/04/2000	2000-21/71
<u>HARDSHIP GRANT</u>					
Environmental Quality, Drinking Water	22886	R309-350 (Changed to R309-700)	AMD	08/15/2000	2000-12/42
<u>HATCH ACT</u>					
Human Resource Management, Administration	22847	R477-9	AMD	07/05/2000	2000-11/76
<u>HAZARDOUS MATERIALS TRANSPORTATION</u>					
Transportation, Motor Carrier	22912	R909-75	AMD	08/15/2000	2000-12/55
<u>HAZARDOUS SUBSTANCES</u>					
Environmental Quality, Environmental Response and Remediation	22762	R311-201-4	AMD	07/17/2000	2000-9/39
	22767	R311-401-2	AMD	08/25/2000	2000-9/42
Transportation, Motor Carrier	22912	R909-75	AMD	08/15/2000	2000-12/55
<u>HAZARDOUS SUBSTANCES PRIORITY LIST</u>					
Environmental Quality, Environmental Response and Remediation	22767	R311-401-2	AMD	08/25/2000	2000-9/42
<u>HAZARDOUS WASTE</u>					
Environmental Quality, Solid and Hazardous Waste	22537	R315-1-1	NSC	01/25/2000	Not Printed
	22772	R315-1-1	AMD	07/15/2000	2000-9/43
	22538	R315-2	NSC	01/25/2000	Not Printed
	22773	R315-2	AMD	07/15/2000	2000-9/45
	22653	R315-2-9	NSC	02/25/2000	Not Printed
	22794	R315-2-9	NSC	05/25/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22539	R315-3	NSC	01/25/2000	Not Printed
	22774	R315-3	R&R	see CPR	2000-9/52
	22774	R315-3	CPR	10/20/2000	2000-17/32
	23263	R315-3-6	NSC	11/01/2000	Not Printed
	22654	R315-3-20	NSC	02/25/2000	Not Printed
	22775	R315-4	R&R	see CPR	2000-9/76
	22775	R315-4	CPR	10/20/2000	2000-17/45
	22541	R315-5	NSC	01/25/2000	Not Printed
	22776	R315-5	R&R	see CPR	2000-9/84
	22776	R315-5	CPR	10/20/2000	2000-17/49
	22777	R315-6	R&R	see CPR	2000-9/90
	22777	R315-6	CPR	10/13/2000	2000-17/50
	22542	R315-7	NSC	01/25/2000	Not Printed
	22778	R315-7	AMD	07/15/2000	2000-9/93
	22543	R315-8	NSC	01/25/2000	Not Printed
	22779	R315-8	AMD	see CPR	2000-9/111
	22779	R315-8	CPR	10/13/2000	2000-17/52
	22544	R315-13	NSC	01/25/2000	Not Printed
	22545	R315-16	NSC	01/25/2000	Not Printed
	22780	R315-16	AMD	07/15/2000	2000-9/147
	23165	R315-16	5YR	09/15/2000	2000-19/161
	22546	R315-50	NSC	01/25/2000	Not Printed
	22547	R315-101	NSC	01/25/2000	Not Printed
	22781	R315-101	AMD	07/15/2000	2000-9/157
	23166	R315-102	5YR	09/15/2000	2000-19/162
Transportation, Motor Carrier	22912	R909-75	AMD	08/15/2000	2000-12/55
<u>HEALTH CARE PROFESSIONALS</u>					
Public Safety, Driver License	23145	R708-7	AMD	11/07/2000	2000-19/148
<u>HEALTH FACILITIES</u>					
Health, Health Systems Improvement, Health Facility Licensure	23113	R432-1	AMD	10/31/2000	2000-18/55
	22742	R432-3	AMD	06/23/2000	2000-9/170
	22630	R432-7	5YR	02/01/2000	2000-4/70
	22631	R432-8	5YR	02/01/2000	2000-4/70
	22632	R432-9	5YR	02/01/2000	2000-4/71
	22633	R432-10	5YR	02/01/2000	2000-4/72
	22634	R432-11	5YR	02/01/2000	2000-4/72
	22635	R432-12	5YR	02/01/2000	2000-4/73
	22636	R432-13	5YR	02/01/2000	2000-4/73
	22637	R432-14	5YR	02/01/2000	2000-4/74
	22638	R432-30	5YR	02/01/2000	2000-4/74
	22976	R432-100-33	AMD	08/31/2000	2000-14/8
	22655	R432-270	5YR	02/09/2000	2000-5/64
	22743	R432-270	NSC	05/01/2000	Not Printed
	22852	R432-300	AMD	08/08/2000	2000-11/39

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	23114	R432-700	AMD	10/31/2000	2000-18/60
	23115	R432-750	AMD	11/06/2000	2000-18/64
<u>HEALTH INSURANCE</u>					
Human Services, Recovery Services	22692	R527-10	5YR	03/01/2000	2000-6/48
<u>HEARINGS</u>					
Environmental Quality, Air Quality	22727	R307-102-1	AMD	08/03/2000	2000-9/28
	22838	R307-102-1	NSC	08/03/2000	Not Printed
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53
<u>HIGHER EDUCATION</u>					
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
	22816	R765-605	AMD	06/15/2000	2000-10/39
	23025	R765-610	AMD	09/15/2000	2000-16/36
	22822	R765-626	5YR	05/05/2000	2000-11/103
	22793	R765-685	AMD	07/01/2000	2000-10/43
<u>HIGHWAY CONSTRUCTION</u>					
Transportation, Operations, Maintenance	22914	R918-2	NSC	06/27/2000	Not Printed
<u>HIRING PRACTICES</u>					
Human Resource Management, Administration	22843	R477-5	AMD	07/05/2000	2000-11/58
<u>HISTORIC PRESERVATION</u>					
Tax Commission, Auditing	22991	R865-6F	NSC	08/01/2000	Not Printed
	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
	22992	R865-9I	NSC	08/01/2000	Not Printed
	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
	22898	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed
<u>HIV</u>					
Health, Epidemiology and Laboratory Services; HIV/AIDS, Tuberculosis Control/Refugee Health	22837	R388-802	NSC	05/25/2000	Not Printed
<u>HOME DELIVERED MEALS</u>					
Human Services, Aging and Adult Services	23158	R510-104	AMD	11/01/2000	2000-19/107
	23288	R510-104	5YR	11/01/2000	2000-22/80

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>HOSTILE WORK ENVIRONMENT</u>					
Human Resource Management, Administration	22854	R477-15	AMD	07/05/2000	2000-11/87
<u>HOTELS</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	23181	R392-502	NSC	10/01/2000	Not Printed
<u>HOUSING</u>					
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
<u>HOUSING FINANCE</u>					
Housing Finance Agency, Administration	22682	R460-1	5YR	02/23/2000	2000-6/46
	22683	R460-4	5YR	02/23/2000	2000-6/46
	22684	R460-6	5YR	02/23/2000	2000-6/47
	22685	R460-7	5YR	02/23/2000	2000-6/47
<u>HUMAN SERVICES</u>					
Human Services, Administration, Administrative Services, Licensing	22694	R501-3	REP	05/02/2000	2000-6/20
	22813	R501-11	AMD	06/20/2000	2000-10/30
	22629	R501-12	AMD	03/17/2000	2000-4/38
	22661	R501-13	R&R	04/15/2000	2000-5/32
	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
	22697	R501-21	NEW	05/02/2000	2000-6/33
	22698	R501-22	NEW	05/02/2000	2000-6/36
Workforce Services, Employment Development	23066	R986-411	REP	10/02/2000	2000-16/94
<u>HUNTING</u>					
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
<u>IMMUNIZATION DATA REPORTING</u>					
Health, Epidemiology and Laboratory Services, Epidemiology	22785	R386-800	NEW	07/14/2000	2000-9/159
<u>IMPAIRMENT RATINGS</u>					
Labor Commission, Industrial Accidents	23151	R612-6 (Changed to R612-7)	NSC	10/01/2000	Not Printed
<u>INCEST</u>					
Education, Administration	23004	R277-401	NSC	08/01/2000	Not Printed
<u>INCINERATORS</u>					
Environmental Quality, Air Quality	23039	R307-220-1	NSC	09/01/2000	Not Printed
<u>INCOME</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22378	R414-303	AMD	see CPR	99-19/25
	22378	R414-303	CPR	01/26/2000	99-24/52
	22703	R414-304	EMR	03/09/2000	2000-7/19
	22921	R414-304	AMD	08/02/2000	2000-13/33
Workforce Services, Employment Development	23057	R986-213	REP	10/02/2000	2000-16/70

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	23064	R986-221	REP	10/02/2000	2000-16/85
	23065	R986-222	REP	10/02/2000	2000-16/87
	23069	R986-414	REP	10/02/2000	2000-16/100
	23076	R986-421	REP	10/02/2000	2000-16/110
	23081	R986-704	REP	10/02/2000	2000-16/124
<u>INCOME DISREGARDS</u>					
Workforce Services, Employment Development	23063	R986-220	REP	10/02/2000	2000-16/84
<u>INCOME TAX</u>					
Tax Commission, Auditing	22992	R865-9I	NSC	08/01/2000	Not Printed
	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
	22898	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed
<u>INDEPENDENT CONTRACTOR</u>					
Workforce Services, Workforce Information and Payment Services	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed
<u>INDIGENT</u>					
Health, Health Care Financing, Medical Assistance Program	23112	R420-1	EMR	09/01/2000	2000-18/95
<u>INDUSTRIAL WASTE</u>					
Environmental Quality, Water Quality	22699	R317-1-4	AMD	06/13/2000	2000-6/16
<u>INFORMAL ADJUDICATIVE PROCEEDINGS</u>					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
	23153	R612-8 (Changed to R612-9)	NSC	10/01/2000	Not Printed
<u>INSPECTIONS</u>					
Agriculture and Food, Animal Industry	22932	R58-18	AMD	08/02/2000	2000-13/7
	23132	R58-18	AMD	10/17/2000	2000-18/9
	22933	R58-20	AMD	08/02/2000	2000-13/10
	22934	R58-21	NEW	08/02/2000	2000-13/11
	23088	R58-21-3	NSC	09/01/2000	Not Printed
	22935	R58-22	NEW	08/02/2000	2000-13/12
Agriculture and Food, Plant Industry	22646	R68-8-7	AMD	05/30/2000	2000-5/4
	23122	R68-20	NEW	10/17/2000	2000-18/11
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
	23144	R313-12-3	NSC	10/01/2000	Not Printed
	22600	R313-16	AMD	03/10/2000	2000-3/56
<u>INSURANCE</u>					
Human Resource Management, Administration	22845	R477-7	AMD	07/05/2000	2000-11/64
Insurance, Administration	22759	R590-140	5YR	04/13/2000	2000-9/186
	22760	R590-140	AMD	06/08/2000	2000-9/172
	22920	R590-144	NSC	06/27/2000	Not Printed
	23046	R590-148-14	NSC	09/01/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22641	R590-153	AMD	04/11/2000	2000-4/48
	22745	R590-153	NSC	05/23/2000	Not Printed
	22797	R590-160-8	AMD	08/31/2000	2000-10/32
	23160	R590-160-8	AMD	11/14/2000	2000-19/115
	23236	R590-165	NSC	11/01/2000	Not Printed
	23237	R590-167	NSC	11/01/2000	Not Printed
	22489	R590-170	AMD	see CPR	99-23/88
	22489	R590-170	CPR	03/07/2000	2000-2/25
	23035	R590-171	5YR	07/28/2000	2000-16/133
	23036	R590-171	NSC	09/01/2000	Not Printed
	22941	R590-172	5YR	06/15/2000	2000-13/74
	22942	R590-172	AMD	08/10/2000	2000-13/46
	22748	R590-182	AMD	06/08/2000	2000-9/174
	22943	R590-186	AMD	08/10/2000	2000-13/47
	22417	R590-196	NEW	see CPR	99-20/28
	22417	R590-196	CPR	02/01/2000	99-24/53
	22749	R590-196	AMD	06/08/2000	2000-9/175
	22875	R590-199	NEW	07/21/2000	2000-11/91
Natural Resources, Parks and Recreation	22871	R651-409	NEW	07/04/2000	2000-11/96
<u>INSURANCE COMPANIES</u>					
Insurance, Administration	22919	R590-127	NSC	06/27/2000	Not Printed
	22666	R590-128	5YR	02/15/2000	2000-5/66
	22506	R590-198	NEW	01/04/2000	99-23/90
	22595	R590-198	NSC	01/25/2000	Not Printed
<u>INSURANCE LAW</u>					
Insurance, Administration	23235	R590-91	NSC	11/01/2000	Not Printed
	22917	R590-94	NSC	06/27/2000	Not Printed
	22665	R590-88	5YR	02/15/2000	2000-5/66
	22918	R590-121	NSC	06/27/2000	Not Printed
	23203	R590-122	NSC	11/01/2000	Not Printed
	23206	R590-130	5YR	10/12/2000	2000-21/73
	22640	R590-131	AMD	see CPR	2000-4/44
	22640	R590-131	CPR	06/29/2000	2000-10/52
	22667	R590-132	5YR	02/15/2000	2000-5/67
	22746	R590-164	5YR	04/11/2000	2000-9/187
	22747	R590-164	NSC	05/23/2000	Not Printed
	23248	R590-174	5YR	10/18/2000	2000-22/80
	22416	R590-197	NEW	01/25/2000	99-20/30
	22621	R590-197	NSC	02/25/2000	Not Printed
	22944	R590-202	NEW	08/10/2000	2000-13/53
	23246	R590-205	EMR	10/18/2000	2000-22/76
<u>INTEREST BUY-DOWN</u>					
Environmental Quality, Drinking Water	22886	R309-350 (Changed to R309-700)	AMD	08/15/2000	2000-12/42

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>INTERSTATE</u>					
Human Services, Recovery Services	22868	R527-100	REP	07/05/2000	2000-11/90
<u>INTOXILIZER</u>					
Public Safety, Highway Patrol	23294	R714-500	5YR	11/02/2000	2000-23/66
<u>INVENTORIES</u>					
Environmental Quality, Air Quality	22605	R307-150	AMD	04/06/2000	2000-3/21
	22929	R307-150-2	AMD	10/05/2000	2000-13/32
<u>INVESTIGATIONS</u>					
Public Safety, Peace Officer Standards and Training	23102	R728-409	AMD	10/30/2000	2000-18/84
<u>IRRADIATORS</u>					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
<u>JOB DESCRIPTIONS</u>					
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57
<u>JUDGES</u>					
Judicial Conduct Commission, Administration	23037	R595-1	R&R	09/18/2000	2000-16/23
	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
<u>JUDICIAL ETHICS</u>					
Judicial Conduct Commission, Administration	23037	R595-1	R&R	09/18/2000	2000-16/23
	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
<u>LABOR</u>					
Workforce Services, Workforce Information and Payment Services	22705	R994-700	REP	06/16/2000	2000-7/16
<u>LABORATORIES</u>					
Health, Epidemiology and Laboratory Services, Laboratory Improvement	22516	R444-14	AMD	03/01/2000	99-24/16
<u>LANDFILLS</u>					
Environmental Quality, Air Quality	23039	R307-220-1	NSC	09/01/2000	Not Printed
<u>LAND SALE</u>					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	08/01/2000	Not Printed
<u>LAND USE</u>					
Natural Resources, Wildlife Resources	22974	R657-28	AMD	08/15/2000	2000-14/20
<u>LAW ENFORCEMENT OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	23107	R728-408	REP	10/30/2000	2000-18/83
	23102	R728-409	AMD	10/30/2000	2000-18/84
<u>LEASES</u>					
Natural Resources; Forestry, Fire and State Lands	22680	R652-30-610	AMD	07/13/2000	2000-6/39
Natural Resources, Wildlife Resources	22974	R657-28	AMD	08/15/2000	2000-14/20

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>LEAVE</u>					
Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67
<u>LIABILITY</u>					
Natural Resources, Parks and Recreation	22871	R651-409	NEW	07/04/2000	2000-11/96
<u>LICENSE</u>					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing	23293	R724-9	5YR	11/02/2000	2000-23/67
<u>LICENSING</u>					
Commerce, Occupational and Professional Licensing	23118	R156-1	AMD	10/17/2000	2000-18/36
	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
	22294	R156-16a	AMD	see CPR	2000-14/14
	22294	R156-16a	CPR	10/17/2000	2000-18/88
	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
	22734	R156-24a-503	NSC	05/01/2000	Not Printed
	22887	R156-26 (Changed to R156-26a)	AMD	07/18/2000	2000-12/7
	23140	R156-31B	AMD	11/09/2000	2000-19/3
	22576	R156-31b-304	AMD	02/15/2000	2000-2/10
	22663	R156-31b-304	NSC	02/24/2000	Not Printed
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
	22725	R156-38	5YR	04/06/2000	2000-9/183
	22862	R156-56a	REP	00706/2000	2000-11/17
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22965	R156-55c-102	NSC	08/01/2000	Not Printed
	22878	R156-55d	NEW	07/18/2000	2000-12/18
	23032	R156-55d	AMD	09/18/2000	2000-16/7
	22398	R156-56	AMD	see CPR	99-20/15
	22398	R156-56	CPR	02/15/2000	2000-2/21
	22790	R156-56	AMD	07/01/2000	2000-10/5
	22967	R156-56	NSC	08/01/2000	Not Printed
	22478	R156-56-602	AMD	see CPR	99-22/7
	22478	R156-56-602	CPR	02/15/2000	2000-2/24
	22449	R156-56-706	AMD	see CPR	99-21/7
	22449	R156-56-706	CPR	01/18/2000	99-24/47
	22791	R156-56-706	AMD	07/01/2000	2000-10/18
	22482	R156-57	AMD	01/04/2000	99-23/13
	22701	R156-57-302a	AMD	05/02/2000	2000-7/6

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22677	R156-59	AMD	04/17/2000	2000-6/11
	22786	R156-59	NSC	07/10/2000	Not Printed
	23028	R156-59	AMD	09/18/2000	2000-16/9
	22863	R156-59-302	AMD	07/10/2000	2000-11/9
	23146	R156-60a-502	AMD	11/07/2000	2000-19/5
	23147	R156-60b	AMD	11/07/2000	2000-19/6
	22726	R156-60c	5YR	04/06/2000	2000-9/183
	22588	R156-61	AMD	02/15/2000	2000-2/12
	22735	R156-61-302e	NSC	05/01/2000	Not Printed
	22801	R156-63	AMD	06/15/2000	2000-10/24
	23182	R156-63	5YR	09/28/2000	2000-20/67
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
	22737	R156-65	NSC	05/01/2000	Not Printed
	22888	R156-65	REP	07/18/2000	2000-12/21
	22589	R156-66	AMD	02/15/2000	2000-2/14
	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
Commerce, Real Estate	23174	162-102	AMD	11/15/2000	2000-20/7
Human Services, Administration, Administrative Services, Licensing	22694	R501-3	REP	05/02/2000	2000-6/20
	22813	R501-11	AMD	06/19/2000	2000-10/30
	22629	R501-12	AMD	03/17/2000	2000-4/38
	22661	R501-13	R&R	04/15/2000	2000-5/32
	22695	R501-19	NEW	05/02/2000	2000-6/28
	22696	R501-20	NEW	05/02/2000	2000-6/31
	22697	R501-21	NEW	05/02/2000	2000-6/33
	22698	R501-22	NEW	05/02/2000	2000-6/36
Natural Resources, Water Rights	22744	R655-4	NSC	05/01/2000	Not Printed
	23142	R655-4	5YR	09/12/2000	2000-19/162
Natural Resources, Wildlife Resources	22783	R657-27	AMD	06/08/2000	2000-9/17
Transportation, Operations, Aeronautics	22811	R914-2	NSC	05/23/2000	Not Printed
<u>LICENSE PLATES</u>					
Tax Commission, Motor Vehicle	22994	R873-22M	NSC	08/01/2000	Not Printed
	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
<u>LIENS</u>					
Commerce, Occupational and Professional Licensing	22725	R156-38	5YR	04/06/2000	2000-9/183
<u>LIFELINE RATES</u>					
Public Services Commission, Administration	23326	R746-341	5YR	11/15/2000	2000-23/67
<u>LIQUEFIED PETROLEUM GAS</u>					
Public Safety, Fire Marshal	22559	R710-6	AMD	02/01/2000	2000-1/52

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>LIVESTOCK</u>					
Agriculture and Food, Animal Industry	23249	R58-7	5YR	10/19/2000	2000-22/79
	22913	R58-7-2	AMD	07/18/2000	2000-12/5
Natural Resources, Wildlife Resources	23208	R657-24	5YR	10/12/2000	2000-21/75
<u>LOANS</u>					
Agriculture and Food, Marketing and Conservation	23307	R65-10	5YR	11/13/2000	2000-23/63
Environmental Quality, Drinking Water	22886	R309-350 (Changed to R309-700)	AMD	08/15/2000	2000-12/42
	22711	R309-351 (Changed to R309-705)	AMD	05/16/2000	2000-8/11
<u>LOBBYIST</u>					
Lieutenant Governor, Elections	22590	R623-1	NSC	01/25/2000	Not Printed
	22612	R623-1	AMD	03/03/2000	2000-3/88
<u>LOCAL HEALTH DEPARTMENTS</u>					
Health, Administration	22964	R380-40	5YR	06/19/2000	2000-14/56
<u>MACHINERY</u>					
Labor Commission, Occupational Safety and Health	22926	R614-6-1	NSC	06/27/2000	Not Printed
<u>MANAGEMENT</u>					
Natural Resources; Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	08/01/2000	Not Printed
<u>MATERIALS HANDLING</u>					
School and Institutional Trust Lands, Administration	22664	R850-130-400	NSC	02/25/2000	Not Printed
<u>MEDICAID</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22512	R414-1	AMD	01/26/2000	99-24/13
	23116	R414-7A	AMD	11/01/2000	2000-18/52
	22952	R414-11	NSC	08/01/2000	Not Printed
	23097	R414-12	REP	10/16/2000	2000-17/13
	23085	R414-19A	5YR	08/02/2000	2000-17/88
	22953	R414-21	NSC	08/01/2000	Not Printed
	23098	R414-24A	REP	10/16/2000	2000-17/17
	22954	R414-31	NSC	08/01/2000	Not Printed
	22955	R414-33	NSC	08/01/2000	Not Printed
	23086	R414-33	5YR	08/02/2000	2000-17/88
	23087	R414-33A	5YR	08/02/2000	2000-17/89
	22956	R414-45	NSC	08/01/2000	Not Printed
	22957	R414-54	NSC	08/01/2000	Not Printed
	22513	R414-61	NEW	see CPR	99-24/15
	22513	R414-61	CPR	03/30/2000	2000-4/69
	23117	R414-401	NEW	11/01/2000	2000-18/54
	23129	R414-63	EMR	09/15/2000	2000-18/90

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Health, Health Care Financing, Medical Assistance Program	23112	R420-1	EMR	09/01/2000	2000-18/95
Human Services, Recovery Services	22755	R527-800	NSC	05/01/2000	Not Printed
<u>MEDICAL EXAMINER</u>					
Health, Medical Examiner	22818	R448-10	NEW	06/19/2000	2000-10/27
	22817	R448-20	NEW	06/19/2000	2000-10/29
<u>MENTAL HEALTH</u>					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
<u>MIGRANT LABOR</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	23180	R392-501	NSC	10/01/2000	Not Printed
<u>MIGRATORY BIRDS</u>					
Natural Resources, Wildlife Resources	23123	R657-9	AMD	10/17/2000	2000-18/73
<u>MINERAL RESOURCES</u>					
Tax Commission, Auditing	22996	R865-16R	5YR	07/07/2000	2000-15/30
<u>MINING</u>					
Environmental Quality, Air Quality	23089	R307-205	5YR	08/02/2000	2000-17/86
<u>MOBILE HOMES</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	23179	R392-402	NSC	10/01/2000	Not Printed
<u>MONITORING</u>					
Environmental Quality, Air Quality	23090	R307-170	5YR	08/07/2000	2000-17/79
<u>MOTELS</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	23181	R392-502	NSC	10/01/2000	Not Printed
<u>MOTOR FUEL</u>					
Tax Commission, Auditing	22993	R865-13G	NSC	08/01/2000	Not Printed
<u>MOTOR VEHICLE RECORD</u>					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
<u>MOTOR VEHICLES</u>					
Administrative Services, Fleet Operations	22728	R27-1 (Changed to R27-10)	AMD	06/01/2000	2000-9/2
	22808	R27-10	NSC	06/26/2000	Not Printed
Commerce, Administration	23257	R151-14	NSC	11/01/2000	Not Printed
Environmental Quality, Air Quality	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22724	R307-320	5YR	04/05/2000	2000-9/184
Public Safety, Driver License	22757	R708-20	NSC	05/01/2000	Not Printed
Tax Commission, Motor Vehicle	22994	R873-22M	NSC	08/01/2000	Not Printed
	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
Tax Commission, Motor Vehicle Enforcement	22995	R877-23V	NSC	08/01/2000	Not Printed
	22987	R877-23V-18	AMD	08/31/2000	2000-14/41

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>NATURAL RESOURCES</u>					
Natural Resources; Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	08/01/2000	Not Printed
<u>NATUROPATHIC PHYSICIANS</u>					
Commerce, Occupational and Professional Licensing	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
<u>NATUROPATHS</u>					
Commerce, Occupational and Professional Licensing	22507	R156-71	AMD	01/04/2000	99-23/14
	22700	R156-71-202	AMD	05/02/2000	2000-7/7
	22792	R156-71-202	AMD	06/15/2000	2000-10/26
<u>NEED STANDARD</u>					
Workforce Services, Employment Development	23063	R986-220	REP	10/02/2000	2000-16/84
<u>NEW HIRE REGISTRY</u>					
Workforce Services, Workforce Information and Payment Services	22614	R994-315-105	AMD	04/21/2000	2000-4/66
<u>NONATTAINMENT</u>					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
<u>NURSES</u>					
Commerce, Occupational and Professional Licensing	23140	R156-31b	AMD	11/09/2000	2000-19/3
	22576	R156-31b-304	AMD	02/15/2000	2000-2/10
	22663	R156-31b-304	NSC	02/24/2000	Not Printed
	22577	R156-31c-201	AMD	02/15/2000	2000-2/11
<u>NUTRITION</u>					
Human Services, Aging and Adult Services	23158	R510-104	AMD	11/01/2000	2000-19/107
	23288	R510-104	5YR	11/01/2000	2000-22/80
<u>OCCUPATIONAL LICENSING</u>					
Commerce, Occupational and Professional Licensing	23118	R156-1	AMD	10/17/2000	2000-18/36
	22587	R156-1-205	AMD	02/15/2000	2000-2/8
	22645	R156-1-308a	AMD	03/20/2000	2000-4/12
	22861	R156-46b	AMD	07/06/2000	2000-11/6
	23127	R156-46b	AMD	10/17/2000	2000-18/39
	22740	R156-55b	AMD	06/01/2000	2000-9/20
	22966	R156-55b	NSC	08/01/2000	Not Printed
	22910	R156-55b-304	NSC	06/26/2000	Not Printed
	22965	R156-55c-102	NSC	08/01/2000	Not Printed
<u>OFF-HIGHWAY VEHICLES</u>					
Natural Resources, Parks and Recreation	22870	R651-408	AMD	07/04/2000	2000-11/95

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>OFFSET</u>					
Environmental Quality, Air Quality	22607	R307-403-8	NSC	01/25/2000	Not Printed
<u>ONSITE WASTEWATER SYSTEMS</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
<u>OPERATING PERMIT</u>					
Environmental Quality, Air Quality	22606	R307-415-5a	AMD	04/06/2000	2000-3/23
<u>OPERATION AND MAINTENANCE</u>					
Environmental Quality, Drinking Water	22884	R309-205 (Changed to R309-520)	AMD	08/15/2000	2000-12/34
<u>OPERATOR CERTIFICATION</u>					
Public Safety, Highway Patrol	23294	R714-500	5YR	11/02/2000	2000-23/66
<u>OPTOMETRIST</u>					
Commerce, Occupational and Professional Licensing	222924	R156-16a	AMD	see CPR	2000-13/14
	22924	R156-16a	CPR	10/17/2000	2000-18/88
<u>ORGAN TRANSPLANTS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22529	R414-58	AMD	02/17/2000	2000-1/29
	22958	R414-58	NSC	08/01/2000	Not Printed
<u>OVERFLOW AND DRAINS</u>					
Environmental Quality, Drinking Water	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38
<u>OVERPAYMENTS</u>					
Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
	22937	R527-332	NEW	08/01/2000	2000-13/44
<u>OWNERSHIP</u>					
Natural Resources, Water Rights	22806	R655-3	NEW	07/01/2000	2000-10/35
<u>OZONE</u>					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
<u>PARKS</u>					
Natural Resources, Parks and Recreation	22871	R651-409	NEW	07/04/2000	2000-11/96
	22872	R651-601	AMD	07/04/2000	2000-11/97
	22968	R651-601	NSC	08/01/2000	Not Printed
	22873	R651-606	AMD	09/28/2000	2000-11/98
	22969	R651-606	NSC	09/28/2000	Not Printed
	22474	R651-611	AMD	01/03/2000	99-22/17
	22706	R651-611-4	AMD	05/16/2000	2000-8/18
	22874	R651-634	NEW	07/04/2000	2000-11/99

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PARTICULATE MATTER</u>					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
<u>PASSENGER TRAMWAYS</u>					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
<u>PATRIOTIC EDUCATION</u>					
Education, Administration	23023	R277-475	NEW	09/01/2000	2000-15/13
<u>PEACE OFFICER</u>					
Public Safety, Peace Officer Standards and Training	22979	R728-205	5YR	06/28/2000	2000-14/56
<u>PEER REVIEW</u>					
Commerce, Occupational and Professional Licensing	22887	R156-26 (Changed to R156-26a)	AMD	07/18/2000	2000-12/7
<u>PENALTIES</u>					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
	23153	R612-8 (Changed to R612-9)	NSC	10/01/2000	Not Printed
<u>PENALTY</u>					
Environmental Quality, Drinking Water	22604	R309-405	NEW	04/14/2000	2000-3/25
<u>PER DIEM ALLOWANCE</u>					
Administrative Services, Finance	22836	R25-7	AMD	see CPR	2000-11/4
	22836	R25-7	CPR	09/02/2000	2000-14/54
<u>PERFORMANCE STANDARDS</u>					
Health, Administration	22964	R380-40	5YR	06/19/2000	2000-14/56
<u>PERFORMING ARTS</u>					
Community and Economic Development, Community Development, Fine Arts	23219	R207-1	NSC	11/01/2000	Not Printed
<u>PERMITS</u>					
Natural Resources; Forestry, Fire and State Lands	22428	R652-70-2400	AMD	02/29/2000	99-21/47
	22835	R652-120	5YR	05/09/2000	2000-11/102
School and Institutional Trust Lands, Administration	22664	R850-130-400	NSC	02/25/2000	Not Printed
Transportation, Motor Carrier, Ports of Entry	22531	R912-14	AMD	02/15/2000	2000-1/59
<u>PERSONAL PROPERTY</u>					
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	23101	R884-24P-33	AMD	10/03/2000	2000-17/22
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	23156	R884-24P-60	AMD	11/01/2000	2000-19/154

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	23157	R884-24P-61	AMD	11/01/2000	2000-19/155
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
	23044	R884-24P-65	AMD	11/01/2000	2000-16/38
<u>PERSONNEL FILES</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	23000	R606-6	5YR	07/07/2000	2000-15/30
<u>PERSONNEL MANAGEMENT</u>					
Human Resource Management, Administration	22839	R477-1	AMD	07/05/2000	2000-11/47
	22841	R477-3	NSC	07/05/2000	Not Printed
	22844	R477-6	AMD	07/05/2000	2000-11/62
	22845	R477-7	AMD	07/05/2000	2000-11/64
	22847	R477-9	AMD	07/05/2000	2000-11/76
	22851	R477-13	AMD	07/05/2000	2000-11/84
	22853	R477-14	AMD	07/05/2000	2000-11/85
<u>PETROLEUM</u>					
Environmental Quality, Environmental Response and Remediation	22762	R311-201-4	AMD	07/17/2000	2000-9/39
<u>PHARMACIES</u>					
Commerce, Occupational and Professional Licensing	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
<u>PHARMACISTS</u>					
Commerce, Occupational and Professional Licensing	22318	R156-17a	AMD	see CPR	99-17/10
	22318	R156-17a	CPR	02/15/2000	2000-2/17
	22738	R156-17a-602	NSC	05/01/2000	Not Printed
<u>PHYSICALLY HANDICAPPED</u>					
Public Service Commission, Administration	22798	R746-343-15	AMD	07/01/2000	2000-10/38
<u>PHYSICAL THERAPY</u>					
Commerce, Occupational and Professional Licensing	22734	R156-24a-503	NSC	05/01/2000	Not Printed
<u>PHYSICIANS</u>					
Public Safety, Driver License	23145	R708-7	AMD	11/07/2000	2000-19/148
<u>PLANNING-BUDGETING</u>					
Capitol Preservation Board (State), Administration	22574	R131-7	NEW	03/13/2000	2000-2/7
<u>PLUMBERS</u>					
Commerce, Occupational and Professional Licensing	22965	R156-55c-102	NSC	08/01/2000	Not Printed
<u>PLUMBING</u>					
Commerce, Occupational and Professional Licensing	22965	R156-55c-102	NSC	08/01/2000	Not Printed
<u>POSITION CLASSIFICATIONS</u>					
Human Resource Management, Administration	22842	R477-4	AMD	07/05/2000	2000-11/57

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PRIMARY DISINFECTANTS</u>					
Environmental Quality, Drinking Water	22884	R309-205 (Changed to R309-520)	AMD	08/15/2000	2000-12/34
<u>PRISONS</u>					
Corrections, Administration	22962	R251-705	NSC	08/01/2000	Not Printed
	22963	R251-710	NSC	08/01/2000	Not Printed
<u>PRIVACY</u>					
Public Safety, Driver License	22756	R708-36	NEW	06/01/2000	2000-9/180
Insurance, Administration	23246	R590-205	EMR	10/18/2000	2000-22/76
<u>PRIVACY LAW</u>					
Human Services, Recovery Services	22555	R527-5	AMD	02/01/2000	2000-1/33
<u>PRIVATE INVESTIGATORS</u>					
Public Safety, Law Enforcement and Technical Services, Regulatory Licensing	23293	R724-9	5YR	11/02/2000	2000-23/67
<u>PROCEDURE</u>					
Public Service Commission, Administration	23188	R746-340	EMR	10/02/2000	2000-20/60
<u>PROCEEDINGS</u>					
Judicial Conduct Commission, Administration	23037	R595-1	R&R	09/18/2000	2000-16/23
	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34
<u>PROCUREMENT</u>					
Administrative Services, Facilities Construction and Management	22821	R23-2	5YR	05/04/2000	2000-11/101
Capitol Preservation Board (State), Administration	22572	R131-1	NEW	03/13/2000	2000-2/5
<u>PROFESSIONAL COMPETENCY</u>					
Education, Administration	23003	R277-106	NSC	08/01/2000	Not Printed
	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
<u>PROFESSIONAL COUNSELORS</u>					
Commerce, Occupational and Professional Licensing	22726	R156-60c	5YR	04/06/2000	2000-9/183
<u>PROFESSIONAL EDUCATION</u>					
Education, Administration	22528	R277-507	AMD	02/01/2000	2000-1/11
<u>PROFESSIONAL EMPLOYER ORGANIZATION</u>					
Commerce, Occupational and Professional Licensing	22677	R156-59	AMD	04/17/2000	2000-6/11
	22786	R156-59	NSC	07/10/2000	Not Printed
	23028	R156-59	AMD	09/18/2000	2000-16/9
	22863	R156-59-302a	AMD	07/10/2000	2000-11/9
<u>PROFESSIONAL PRACTICES</u>					
Education, Administration	23003	R277-106	NSC	08/01/2000	Not Printed

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PROGRAM BENEFITS</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	22922	R414-306	AMD	08/02/2000	2000-13/41
<u>PROGRAM TYPE</u>					
Workforce Services, Employment Development	23080	R986-703	REP	10/02/2000	2000-16/123
<u>PROPERTY CLAIMS</u>					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed
<u>PROPERTY TAX</u>					
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	23101	R884-24P-33	AMD	10/03/2000	2000-17/22
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22805	R884-24P-57	AMD	06/21/2000	2000-10/47
	22903	R884-24P-60	NSC	06/27/2000	Not Printed
	23156	R884-24P-60	AMD	11/01/2000	2000-19/154
	23157	R884-24P-61	AMD	11/01/2000	2000-19/155
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
	23044	R884-24P-65	AMD	11/01/2000	2000-16/38
<u>PROVIDER PAYMENT</u>					
Workforce Services, Environmental Development	23083	R986-706	REP	10/02/2000	2000-16/127
<u>PSYCHOLOGISTS</u>					
Commerce, Occupational and Professional Licensing	22588	R156-61	AMD	02/15/2000	2000-2/12
<u>PUBLIC ASSISTANCE</u>					
Workforce Services, Employment Development	23054	R986-900	NEW	10/02/2000	2000-16/131
	23194	R986-900	NSC	11/01/2000	Not Printed
<u>PUBLIC ASSISTANCE OVERPAYMENTS</u>					
Human Services, Recovery Services	23148	R527-550	AMD	11/16/2000	2000-19/113
<u>PUBLIC ASSISTANCE PROGRAMS</u>					
Human Resources, Recovery Services	22936	R527-928	AMD	08/01/2000	2000-13/45
Workforce Services, Employment Development	23055	R986-211	REP	10/02/2000	2000-16/63
	23060	R986-216	REP	10/02/2000	2000-16/77
	23061	R986-218	REP	10/02/2000	2000-16/80
	23062	R986-219	REP	10/02/2000	2000-16/83
<u>PUBLIC BUILDINGS</u>					
Capitol Preservation Board (State), Administration	22568	R131-2	NEW	03/13/2000	2000-1/4
	22574	R131-7	NEW	03/13/2000	2000-2/7
	22982	R710-4	AMD	08/16/2000	2000-14/29
<u>PUBLIC EDUCATION</u>					
Education, Administration	23019	R277-438	AMD	09/01/2000	2000-15/5
	22669	R277-462	AMD	04/03/2000	2000-5/6
	22948	R277-716	AMD	08/01/2000	2000-13/21

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>PUBLIC HEALTH</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	23176	R392-300	NSC	10/01/2000	Not Printed
	23177	R392-301	NSC	10/01/2000	Not Printed
	22739	R392-4000	R&R	see CPR	2000-9/161
	22739	R392-4000	CPR	11/01/2000	2000-17/68
	23178	R392-401	NSC	10/01/2000	Not Printed
	23179	R392-402	NSC	10/01/2000	Not Printed
	23180	R392-501	NSC	10/01/2000	Not Printed
	23181	R392-502	NSC	10/01/2000	Not Printed
<u>PUBLIC INFORMATION</u>					
Human Resource Management, Administration	22840	R477-2	AMD	07/05/2000	2000-11/52
	22959	R477-2	NSC	07/05/2000	Not Printed
<u>PUBLIC INVESTMENTS</u>					
Money Management Council, Administration	23283	R628-12	5YR	11/01/2000	2000-22/81
	23301	R628-13	5YR	11/07/2000	2000-23/65
	23299	R628-16	5YR	11/03/2000	2000-23/66
<u>PUBLIC RECORDS</u>					
Career Service Review Board, Administration	23282	R137-2	NSC	11/01/2000	Not Printed
<u>PUBLIC SCHOOLS</u>					
Education, Administration	22564	R277-430	REP	02/01/2000	2000-1/10
	22950	R277-916	AMD	08/01/2000	2000-13/24
<u>PUBLIC TREASURERS</u>					
Money Management Council, Administration	23200	R628-4	5YR	10/11/2000	2000-21/74
	23201	R628-4	NSC	11/01/2000	Not Printed
<u>PUBLIC UTILITIES</u>					
Public Service Commission, Administration	22988	R746-310-8	AMD	09/22/2000	2000-14/35
	22989	R746-320-8	AMD	11/01/2000	2000-14/36
	22530	R746-360-2	NSC	01/25/2000	Not Printed
	22550	R746-401	NSC	01/25/2000	Not Printed
	22784	R746-405	NSC	05/01/2000	Not Printed
<u>RABBITS</u>					
Natural Resources, Wildlife Resources	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10
<u>RADIATION</u>					
Environmental Quality, Radiation Control	22602	R313-25	AMD	03/10/2000	2000-3/77
	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
<u>RADIATION SAFETY</u>					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>RADIOACTIVE MATERIAL</u>					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
	23184	R313-15	NSC	10/01/2000	Not Printed
	22601	R313-22	AMD	03/10/2000	2000-3/59
	23256	R313-38-98	NSC	11/01/2000	Not Printed
<u>RADIOACTIVE WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	22602	R313-25	AMD	03/10/2000	2000-3/77
<u>RANGE MANAGEMENT</u>					
Natural Resources; Forestry, Fire and State Lands	22681	R652-50-610	AMD	07/13/2000	2000-6/40
<u>RATES</u>					
Public Service Commission, Administration	22798	R746-343-15	AMD	07/01/2000	2000-10/38
	23327	R746-407	5YR	11/15/2000	2000-23/68
Workforce Services, Workforce Information and Payment Services	22826	R994-307-101	NSC	05/25/2000	Not Printed
<u>READING</u>					
Education, Administration	22593	R277-472	NSC	01/25/2000	Not Printed
	23005	R277-472	NSC	08/01/2000	Not Printed
	23024	R277-476	NEW	09/01/2000	2000-15/14
<u>REAL ESTATE</u>					
School and Institutional Trust Lands, Administration	22796	R850-140-100	NSC	08/01/2000	Not Printed
<u>REAL ESTATE APPRAISAL</u>					
Commerce, Real Estate	23174	R162-102	AMD	11/15/2000	2000-20/7
	22768	R162-103	AMD	06/01/2000	2000-9/21
	22769	R162-104	AMD	06/01/2000	2000-9/23
	22770	R162-105	AMD	06/01/2000	2000-9/25
	23175	R162-105	AMD	11/15/2000	2000-20/8
	22626	R162-106	AMD	03/20/2000	2000-4/16
	22771	R162-107	AMD	06/01/2000	2000-9/27
	23259	R162-109	NSC	11/01/2000	Not Printed
<u>REAL ESTATE BUSINESS</u>					
Commerce, Real Estate	22514	R162-6	AMD	01/27/2000	99-24/10
	23128	R162-8	AMD	10/17/2000	2000-18/41
	22624	R162-10	AMD	03/20/2000	2000-4/14
	23258	R162-10	5YR	10/24/2000	2000-22/79
<u>RECLAMATION</u>					
Natural Resources; Oil, Gas and Mining; Coal	22906	R645-105	5YR	06/01/2000	2000-12/58
	22214	R645-301-500	AMD	see CPR	99-16/32
	22214	R645-301-500	CPR	02/01/2000	2000-1/64
	22906	R645-400	5YR	06/01/2000	2000-12/58
<u>RECORDS</u>					
Health, Medical Examiner	22817	R448-20	NEW	06/19/2000	2000-10/29

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>RECORDS APPEAL HEARINGS</u>					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
<u>RECREATION</u>					
Natural Resources, Parks and Recreation	22869	R651-301	AMD	07/04/2000	2000-11/93
Natural Resources, Wildlife Resources	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
<u>RECREATIONAL VEHICLES</u>					
Commerce, Administration	23257	R151-14	NSC	11/01/2000	Not Printed
Commerce, Occupational and Professional Licensing	22862	R156-56a	REP	07/06/2000	2000-11/7
<u>RECREATION AREAS</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	23176	R392-300	NSC	10/01/2000	Not Printed
	23177	R392-301	NSC	10/01/2000	Not Printed
	23178	R392-401	NSC	10/01/2000	Not Printed
<u>REDETERMINATION</u>					
Workforce Services, Employment Development	23058	R986-214	REP	10/02/2000	2000-16/74
<u>REEMPLOYMENT WORKERS' COMPENSATION GUIDELINES</u>					
Labor Commission, Industrial Accidents	23152	R612-7 (Changed to R612-8)	NSC	10/01/2000	Not Printed
<u>REFUGEE RESETTLEMENT PROGRAM</u>					
Workforce Services, Employment Development	23049	R986-300	NEW	10/02/2000	2000-16/88
	23192	R986-300	NSC	11/01/2000	Not Printed
<u>REGISTRATION</u>					
Regents (Board of), Administration	22951	R765-171	AMD	See CPR	2000-13/59
	22951	R765-171	CPR	10/03/2000	2000-17/74
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
<u>REGULATIONS</u>					
Money Management Council, Administration	23299	R628-16	5YR	11/03/2000	2000-23/66
Public Service Commission, Administration	23327	R746-407	5YR	11/15/2000	2000-23/68
<u>REIMBURSEMENT</u>					
Corrections, Administration	23106	R251-113	NEW	10/17/2000	2000-18/46
	23197	R251-113	NSC	11/01/2000	Not Printed
<u>RELIGIOUS ACTIVITIES</u>					
Tax Commission, Auditing	22985	R865-19S-49	AMD	08/31/2000	2000-14/39
	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
	23155	R865-19S-112	AMD	11/01/2000	2000-19/153
<u>REPORTING CHANGES</u>					
Workforce Services, Employment Development	23058	R986-214	REP	10/02/2000	2000-16/74

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>REPORTING DEATH</u>					
Health, Medical Examiner	22818	R448-10	NEW	06/19/2000	2000-10/27
<u>REPORTS</u>					
Environmental Quality, Air Quality	22929	R307-150-2	AMD	10/05/2000	2000-13/32
	22605	R307-150	AMD	04/06/2000	2000-3/21
<u>RESERVE OFFICERS</u>					
Public Safety, Peace Officer Standards and Training	23107	R728-408	REP	10/30/2000	2000-18/83
<u>RESORTS</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	23181	R392-502	NSC	10/01/2000	Not Printed
<u>RESOURCES</u>					
Workforce Services, Employment Development	23061	R986-218	REP	10/02/2000	2000-16/80
	23082	R986-705	REP	10/02/2000	2000-16/126
<u>RESPIRATORY CARE</u>					
Commerce, Occupational and Professional Licensing	22482	R156-57	AMD	01/04/2000	99-23/13
	22701	R156-57-302a	AMD	05/02/2000	2000-7/6
<u>RESPIRE</u>					
Human Services, Aging and Adult Services	23325	R510-401	5YR	11/15/2000	2000-23/64
<u>RESTAURANTS</u>					
Tax Commission, Auditing	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
<u>RETIREMENT</u>					
Human Resource Management	22850	R477-12	AMD	07/05/2000	2000-11/82
Public Safety, Peace Officer Standards and Training	22979	R728-205	5YR	06/28/2000	2000-14/56
<u>RIGHT-OF-WAY</u>					
Natural Resources, Wildlife Resources	22974	R657-28	AMD	08/15/2000	2000-14/20
<u>RISK MANAGEMENT</u>					
Administrative Services, Risk Management	23243	R37-1	NSC	11/01/2000	Not Printed
	23244	R37-2	NSC	11/01/2000	Not Printed
	23245	R37-3	NSC	11/01/2000	Not Printed
<u>ROPEWAY</u>					
Transportation, Operations, Traffic and Safety	22978	R920-50	AMD	08/31/2000	2000-14/43
<u>RULEMAKING PROCEDURES</u>					
School and Institutional Trust Lands, Administration	22594	R850-10	5YR	01/04/2000	2000-3/92
<u>RULES AND PROCEDURES</u>					
Fair Corporation (Utah State), Administration	22647	R325-2-2	AMD	see CPR	2000-5/31
	22647	R315-2-2	CPR	06/05/2000	2000-8/32

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Human Resource Management, Administration	22839	R477-1	AMD	07/05/2000	2000-11/47
	22851	R477-13	AMD	07/05/2000	2000-11/84
Natural Resources, Wildlife Resources	22783	R657-27	AMD	06/08/2000	2000-9/177
Public Safety, Peace Officer Standards and Training	23102	R728-409	AMD	10/30/2000	2000-18/84
Public Service Commission, Administration	22550	R746-401	NSC	01/25/2000	Not Printed
	22784	R746-405	NSC	05/01/2000	Not Printed
	22989	R746-320-8	AMD	11/01/2000	2000-14/36
	23326	R746-341	5YR	11/15/2000	2000-23/67
	23327	R746-407	5YR	11/15/2000	2000-23/68
<u>SAFETY</u>					
Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
	23184	R313-15	NSC	10/01/2000	Not Printed
Labor Commission, Occupational Safety and Health	22765	R614-1-1	NSC	05/01/2000	Not Printed
	22524	R614-1-4	NSC	01/25/2000	Not Printed
	22766	R614-1-5	NSC	05/01/2000	Not Printed
	22925	R614-1-5	NSC	06/27/2000	Not Printed
	22672	R614-1-10	NSC	03/20/2000	Not Printed
Labor Commission, Safety	22702	R616-2-3	AMD	05/09/2000	2000-7/15
	22782	R616-2-3	AMD	06/02/2000	2000-9/176
	23034	R616-2-8	NSC	09/01/2000	Not Printed
Transportation, Motor Carrier, Ports of Entry	22990	R912-16	NEW	08/16/2000	2000-14/42
<u>SAFETY EDUCATION</u>					
Education, Administration	22945	R277-400	AMD	08/01/2000	2000-13/18
<u>SAFETY REGULATION</u>					
Transportation, Motor Carrier	22912	R909-75	AMD	08/15/2000	2000-12/55
<u>SALARIES</u>					
Human Resource Management, Administration	22845	R477-7	AMD	07/05/2000	2000-11/64
<u>SALES TAX</u>					
Tax Commission, Auditing	22900	R865-11Q-1	NSC	06/27/2000	Not Printed
	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
	22985	R865-19S-49	AMD	08/31/2000	2000-14/39
	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
	23155	R865-19S-112	AMD	11/01/2000	2000-19/153
<u>SANCTIONS</u>					
Judicial Conduct Commission, Administration	23037	R595-1	R&R	09/18/2000	2000-16/23
	22788	R595-1-6	AMD	06/15/2000	2000-10/34
	22789	R595-1-9	AMD	06/15/2000	2000-10/34

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>SCHOLARSHIP</u>					
Education, Administration	23024	R277-476	NEW	09/01/2000	2000-15/14
Health, Health Systems Improvement, Primary Care and Rural Health	22622	R434-20	AMD	03/24/2000	2000-4/31
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
<u>SCHOOL ENROLLMENT</u>					
Education, Administration	23134	R277-419	NSC	11/01/2000	Not Printed
	23020	R277-445	AMD	09/01/2000	2000-15/8
<u>SCHOOL PERSONNEL</u>					
Education, Administration	23018	R277-107	NEW	09/01/2000	2000-15/4
<u>SCHOOLS</u>					
Education, Administration	23022	R277-474	NEW	09/01/2000	2000-15/11
Environmental Quality, Air Quality	22668	R307-801	R&R	see CPR	2000-5/10
	22668	R307-801	CPR	08/01/2000	2000-13/67
<u>SCIENCE</u>					
Education, Administration	23213	R277-444	5YR	10/13/2000	2000-21/72
<u>SDWA (Safe Drinking Water Act)</u>					
Environmental Quality, Drinking Water	22711	R309-351 (Changed to R309-351)	AMD	05/16/2000	2000-8/11
<u>SEARCH AND SEIZURE</u>					
Corrections, Administration	22963	R251-710	NSC	08/01/2000	Not Printed
<u>SECONDARY DISINFECTANTS</u>					
Environmental Quality, Drinking Water	22884	R309-205 (Changed to R309-520)	AMD	08/15/2000	2000-12/34
<u>SECONDARY EDUCATION</u>					
Regents (Board of), Administration	22052	R765-604	NEW	see CPR	99-11/63
	22052	R765-604	CPR	02/04/2000	99-20/53
<u>SECURITIES</u>					
Commerce, Securities	22642	R164-2	NEW	03/20/2000	2000-4/18
	22643	R164-4	AMD	03/20/2000	2000-4/20
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed
Money Management Council, Administration	23299	R628-16	5YR	11/03/2000	2000-23/66
<u>SECURITIES REGULATION</u>					
Commerce, Securities	22642	R164-2	NEW	03/20/2000	2000-4/18
	22643	R164-4	AMD	03/20/2000	2000-4/20
	22864	R164-11	NSC	05/25/2000	Not Printed
	22865	R164-12	NSC	05/25/2000	Not Printed
	22644	R164-14	AMD	03/20/2000	2000-4/29
	22866	R164-14	NSC	05/25/2000	Not Printed
	22867	R164-26	NSC	05/25/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>SECURITY GUARDS</u>					
Commerce, Occupational and Professional Licensing	22735	R156-61-302e	NSC	05/01/2000	Not Printed
	22801	R156-63	AMD	06/15/2000	2000-10/24
	23182	R156-63	5YR	09/28/2000	2000-20/67
	22736	R156-63-302a	NSC	05/01/2000	Not Printed
<u>SECURITY MEASURES</u>					
Corrections, Administration	22963	R251-710	NSC	08/01/2000	Not Printed
<u>SEPTIC SYSTEMS</u>					
Environmental Quality, Water Quality	22491	R317-501	REP	02/16/2000	99-23/45
<u>SEPTIC TANKS</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
<u>SETTLEMENT</u>					
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed
<u>SEX EDUCATION</u>					
Education, Administration	23022	R277-474	NEW	09/01/2000	2000-15/11
<u>SHELTER CARE FACILITIES</u>					
Human Services, Aging and Adult Services	22619	R510-302	5YR	01/24/2000	2000-4/75
	22659	R510-302	AMD	05/16/2000	2000-5/43
<u>SKILLS TESTS</u>					
Public Safety, Driver License	22980	R708-37	NEW	08/15/2000	2000-14/25
<u>SMALL BUSINESS ASSISTANCE PROGRAM</u>					
Environmental Quality, Air Quality	22623	R307-110	NSC	02/25/2000	Not Printed
	22553	R307-110-19	AMD	02/10/2000	2000-1/14
	22660	R307-110-19	NSC	02/25/2000	Not Printed
<u>SMALL GAME</u>					
Natural Resources, Wildlife Resources	22882	R657-21	5YR	05/22/2000	2000-12/59
	22973	R657-21	AMD	08/15/2000	2000-14/18
<u>SOCIAL SECURITY</u>					
Workforce Services, Employment Development	23067	R986-412	REP	10/02/2000	2000-16/96
<u>SOCIAL SERVICES</u>					
Human Services, Child and Family Services	22814	R512-1	EMR	05/01/2000	2000-10/56
	22876	R512-1	AMD	07/20/2000	2000-12/49
<u>SOCIAL WORKERS</u>					
Commerce, Occupational and Professional Licensing	23146	R156-60a-502	AMD	11/07/2000	2000-19/5
<u>SOLID WASTE MANAGEMENT</u>					
Environmental Quality, Solid and Hazardous Waste	22855	R315-301	AMD	see CPR	2000-11/10
	22855	R315-301	CPR	10/05/2000	2000-17/63
	22856	R315-311	AMD	07/15/2000	2000-11/15
	22857	R315-312-1	AMD	07/15/2000	2000-11/17
	23100	R315-312-1	AMD	10/05/2000	2000-17/12

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	23104	R315-315-9	AMD	10/20/2000	2000-18/47
	22859	R315-320	AMD	07/15/2000	2000-11/19
<u>SOURCE DEVELOPMENT</u>					
Environmental Quality, Drinking Water	23251	R309-204	EMR	10/20/2000	2000-22/68
<u>SOURCE MAINTENANCE</u>					
Environmental Quality, Drinking Water	23251	R309-204	EMR	10/20/2000	2000-22/68
<u>SOVEREIGN LANDS</u>					
Natural Resources; Forestry, Fire and State Lands	22428	R652-70-2400	AMD	02/29/2000	99-21/47
<u>SPECIAL EDUCATION</u>					
Education, Administration	22949	R277-750	AMD	08/01/2000	2000-13/23
<u>SPECIAL EVENTS</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	22739	R392-400	R&R	see CPR	2000-9/161
	22739	R392-400	CPR	11/01/2000	2000-17/68
<u>SPECIFIC LICENSES</u>					
Environmental Quality, Radiation Control	22601	R313-22	AMD	03/10/2000	2000-3/59
<u>STATE AND LOCAL AFFAIRS</u>					
Money Management Council, Administration	23200	R628-4	5YR	10/11/2000	2000-21/74
	23201	R628-4	NSC	11/01/2000	Not Printed
<u>STATE ASSISTED LOANS</u>					
Environmental Quality, Water Quality	23029	R317-100	AMD	11/10/2000	2000-16/17
<u>STATE BUILDINGS</u>					
Capitol Preservation Board (State), Administration	22574	R131-7	NEW	03/13/2000	2000-2/7
<u>STATE EMPLOYEES</u>					
Administrative Services, Finance	22836	R25-7	AMD	see CPR	2000-11/4
	22836	R25-7	CPR	09/02/2000	2000-14/54
Human Resource Management, Administration	22844	R477-6	AMD	07/05/2000	2000-11/62
<u>STATE EXPENDITURES</u>					
Human Resource Management, Administration	22841	R477-3	NSC	07/05/2000	Not Printed
<u>STATE PROPERTY</u>					
Administrative Services, Fleet Operations, Surplus Property	22729	R28-1	AMD	06/01/2000	2000-9/3
<u>STATE RECORDS COMMITTEE</u>					
Administrative Services, Records Committee	22787	R35-2	NSC	05/23/2000	Not Printed
<u>STATE VEHICLE USE</u>					
Administrative Services, Fleet Operations	23120	R27-3	NEW	10/17/2000	2000-18/4
<u>STOCKS</u>					
Treasurer, Unclaimed Property	22799	R966-1	NSC	05/23/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>STORAGE TANKS</u>					
Environmental Quality, Drinking Water	22885	R309-210 (Changed to R309-545)	AMD	08/15/2000	2000-12/38
<u>STOVE</u>					
Environmental Quality, Air Quality	22687	R307-122-2	NSC	03/20/2000	Not Printed
<u>STUDENT COMPETENCY</u>					
Education, Administration	22719	R277-702	AMD	05/16/2000	2000-8/8
<u>STUDENT ELIGIBILITY</u>					
Workforce Services, Workforce Information and Payment Services	22828	R994-403	NSC	05/25/2000	Not Printed
<u>STUDENT LOANS</u>					
Regents (Board of), Administration	23025	R765-610	AMD	09/15/2000	2000-16/36
	22822	R765-626	5YR	05/05/2000	2000-11/103
<u>STUDENTS</u>					
Education, Administration	23004	R277-401	NSC	08/01/2000	Not Printed
<u>STUDENTS AT RISK</u>					
Education, Administration	23008	R277-464	5YR	07/12/2000	2000-15/27
	23215	R277-752	5YR	10/13/2000	2000-21/72
<u>SUBPOENAS</u>					
Human Services, Recovery Services	22820	R527-67	5YR	05/03/2000	2000-11/102
<u>SUBSIDIARIES</u>					
Financial Institutions, Banks	22831	R333-10	NSC	05/25/2000	Not Printed
<u>SUBSTANCE ABUSE</u>					
Human Services, Administration, Administrative Services, Licensing	22813	R501-11	AMD	06/20/2000	2000-10/30
<u>SUBSURFACE TRACER</u>					
Environmental Quality, Radiation Control	23256	R313-38-98	NSC	11/01/2000	Not Printed
<u>SUPPLIES</u>					
Education, Administration	23007	R277-459	5YR	07/12/2000	2000-15/27
	23021	R277-459	AMD	09/01/2000	2000-15/10
<u>SURPLUS PROPERTY</u>					
Administrative Services, Fleet Operations, Surplus Property	22809	R28-3	NSC	05/23/2000	Not Printed
<u>SURVEYS</u>					
Environmental Quality, Radiation Control	22603	R313-34	AMD	03/10/2000	2000-3/86
	22720	R313-34	5YR	04/03/2000	2000-9/186
Natural Resources; Forestry, Fire and State Lands	22819	R652-40-300	NSC	05/25/2000	Not Printed
School and Institutional Trust Lands, Administration	22795	R850-40-300	NSC	08/01/2000	Not Printed
<u>SYSTEMS</u>					
Public Safety, Fire Marshal	22560	R710-7	AMD	02/01/2000	2000-1/54
<u>TAILINGS</u>					
Environmental Quality, Air Quality	23089	R307-205	5YR	08/02/2000	2000-17/86

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>TARIFFS</u>					
Public Service Commission, Administration	22784	R746-405	NSC	05/01/2000	Not Printed
<u>TAXATION</u>					
Tax Commission, Administration	22904	R861-1A	NSC	06/27/2000	Not Printed
	22889	R861-1A-12	NSC	06/27/2000	Not Printed
	23154	R861-1A-16	AMD	11/01/2000	2000-19/151
	22890	R861-1A-20	NSC	06/27/2000	Not Printed
	22802	R861-1A-36	AMD	06/21/2000	2000-10/44
Tax Commission, Auditing	22991	R865-6F	NSC	08/01/2000	Not Printed
	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
	22710	R865-12L-9	AMD	06/21/2000	2000-8/29
	22803	R865-12L-16	AMD	06/21/2000	2000-10/45
	22993	R865-13G	NSC	08/01/2000	Not Printed
	22996	R865-16R	5YR	07/07/2000	2000-15/30
	23130	R865-20T-11	AMD	11/01/2000	2000-18/86
Tax Commission, Motor Vehicle	22994	R873-22M	NSC	08/01/2000	Not Printed
	22901	R873-22M-27	NSC	06/27/2000	Not Printed
	22902	R873-22M-36	NSC	06/27/2000	Not Printed
	22804	R873-22M-38	AMD	06/21/2000	2000-10/47
Tax Commission, Motor Vehicle Enforcement	22995	R877-23V	NSC	08/01/2000	Not Printed
	22987	R877-23V-18	AMD	08/31/2000	2000-14/41
Tax Commission, Property Tax	23011	R884-24P	NSC	08/01/2000	Not Printed
	22627	R884-24P-33	AMD	03/28/2000	2000-4/56
	23101	R884-24P-33	AMD	10/03/2000	2000-17/22
	22508	R884-24P-44	AMD	01/20/2000	99-23/107
	22804	R884-24P-57	AMD	06/21/2000	2000-10/47
	23156	R884-24P-60	AMD	11/01/2000	2000-19/154
	23157	R884-24P-61	AMD	11/01/2000	2000-19/155
	22903	R884-24P-62	NSC	06/27/2000	Not Printed
	22522	R884-24P-62	AMD	01/20/2000	99-24/40
	23044	R884-24P-65	AMD	11/01/2000	2000-16/38
<u>TAX EXEMPTIONS</u>					
Environmental Quality, Air Quality	22686	R307-121-2	NSC	03/20/2000	Not Printed
	22687	R307-122-2	NSC	03/20/2000	Not Printed
Tax Commission, Auditing	22985	R865-19S-49	AMD	08/31/2000	2000-14/39
	22758	R865-19S-103	AMD	06/21/2000	2000-9/181
	23155	R865-19S-112	AMD	11/01/2000	2000-19/153

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>TAX RETURNS</u>					
Tax Commission, Auditing	22992	R865-9I	NSC	08/01/2000	Not Printed
	22984	R865-9I-6	AMD	08/31/2000	2000-14/37
	22898	R865-9I-46	NSC	06/27/2000	Not Printed
	22899	R865-9I-48	NSC	06/27/2000	Not Printed
<u>TEACHER CERTIFICATION</u>					
Education, Administration	23009	R277-520	5YR	07/12/2000	2000-15/28
	23010	R277-520	NSC	08/01/2000	Not Printed
Professional Practices Advisory Commission, Administration	22504	R686-100	AMD	01/05/2000	99-23/96
	22671	R686-100	AMD	04/03/2000	2000-5/53
	23137	R686-100	NSC	11/01/2000	Not Printed
<u>TEACHER ENDORSEMENT</u>					
Education, Administration	23009	R277-520	5YR	07/12/2000	2000-15/28
	23010	R277-520	NSC	08/01/2000	Not Printed
<u>TEACHER LICENSURE</u>					
Education, Administration	22670	R277-514	AMD	04/03/2000	2000-5/8
	23006	R277-514	NSC	08/01/2000	Not Printed
<u>TEACHERS</u>					
Education, Administration	23007	R277-459	5YR	07/12/2000	2000-15/27
	23021	R277-459	AMD	09/01/2000	2000-15/10
	23024	R277-476	NEW	09/01/2000	2000-15/14
Professional Practices Advisory Commission, Administration	23001	R686-101	NSC	08/01/2000	Not Printed
	23002	R686-102	NSC	08/01/2000	Not Printed
<u>TELECOMMUNICATIONS</u>					
Public Service Commission, Administration	23188	R746-340	EMR	10/02/2000	2000-20/60
	23326	R746-341	5YR	11/15/2000	2000-23/67
	22798	R746-343-15	AMD	07/01/2000	2000-10/38
	22530	R746-360-2	NSC	01/25/2000	Not Printed
<u>TELEPHONE</u>					
Public Service Commission, Administration	23326	R746-341	5YR	11/15/2000	2000-23/67
<u>TELEPHONE UTILITY REGULATION</u>					
Public Service Commission, Administration	23188	R746-340	EMR	10/02/2000	2000-20/60
<u>TEMPORARY MASS GATHERINGS</u>					
Health, Epidemiology and Laboratory Services, Environmental Services	22739	R392-400	R&R	see CPR	2000-9/161
	22739	R392-400	CPR	11/01/2000	2000-17/68
<u>THERAPIST</u>					
Commerce, Occupational and Professional Licensing	23147	R156-60b	AMD	11/07/2000	2000-19/6

RULES INDEX

KEYWORD AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>TIME</u>					
Labor Commission, Antidiscrimination and Labor, Antidiscrimination	22673	R606-1-2	NSC	03/20/2000	Not Printed
	22674	R606-2-2	NSC	03/20/2000	Not Printed
Labor Commission, Antidiscrimination and Labor, Fair Housing	22591	R608-1-3	NSC	01/25/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22705	R994-700	REP	06/16/2000	2000-7/16
<u>TIRES</u>					
Transportation, Motor Carrier, Ports of Entry	22751	R912-76	NSC	05/01/2000	Not Printed
<u>TOBACCO PRODUCTS</u>					
Tax Commission, Auditing	2310	R865-20T-11	AMD	11/01/2000	2000-18/86
<u>TRAINING</u>					
Natural Resources, Wildlife Resources	22651	R657-46	AMD	04/04/2000	2000-5/51
<u>TRAINING PROGRAMS</u>					
Human Resource Management, Administration	22848	R477-10	AMD	07/05/2000	2000-11/78
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
<u>TRAMWAY PERMITS</u>					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
	22978	R920-50	AMD	08/31/2000	2000-14/43
<u>TRAMWAYS</u>					
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
	22978	R920-50	AMD	08/31/2000	2000-14/43
<u>TRANSPORTATION</u>					
Administrative Services, Finance	22836	R25-7	AMD	see CPR	2000-11/4
	22836	R25-7	CPR	09/02/2000	2000-14/54
<u>TRANSPORTATION SAFETY</u>					
Transportation, Motor Carrier	22652	R909-1	AMD	06/01/2000	2000-5/62
Transportation, Operations, Traffic and Safety	22617	R920-50	AMD	03/24/2000	2000-4/64
	22978	R920-50	AMD	08/31/2000	2000-14/43
<u>TRIP REDUCTION</u>					
Environmental Quality, Air Quality	22724	R307-320	5YR	04/05/2000	2000-9/184
<u>TRUANCY</u>					
Education, Administration	22610	R277-607	AMD	03/03/2000	2000-3/11
<u>TRUCKING INDUSTRIES</u>					
Tax Commission, Auditing	22991	R865-6F	NSC	08/01/2000	Not Printed
	22891	R865-6F-14	NSC	06/27/2000	Not Printed
	22892	R865-6F-16	NSC	06/27/2000	Not Printed
	22893	R865-6F-18	NSC	06/27/2000	Not Printed
	22894	R865-6F-19	NSC	06/27/2000	Not Printed
	22895	R865-6F-26	NSC	06/27/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22896	R865-6F-27	NSC	06/27/2000	Not Printed
	22897	R865-6F-29	NSC	06/27/2000	Not Printed
<u>TRUCKS</u>					
Transportation, Motor Carrier	22652	R909-1	AMD	06/01/2000	2000-5/62
Transportation, Motor Carrier, Ports of Entry	22531	R912-14	AMD	02/15/2000	2000-1/59
	22990	R912-16	NEW	08/16/2000	2000-14/42
<u>TRUSTEE</u>					
Money Management Council, Administration	23301	R628-13	5YR	11/07/2000	2000-23/65
<u>UMAP (Utah Medical Assistance Program)</u>					
Health, Health Care Financing, Coverage and Reimbursement Policy	23111	R414-309	EMR	09/01/2000	2000-18/91
Health, Health Care Financing, Medical Assistance Program	23112	R420-1	EMR	09/01/2000	2000-18/95
<u>UNATTENDED DEATH</u>					
Health, Medical Examiner	22818	R438-10	NEW	06/19/2000	2000-10/27
<u>UNDERGROUND STORAGE TANKS</u>					
Environmental Quality, Environmental Response and Remediation	22762	R311-201-4	AMD	07/17/2000	2000-9/39
<u>UNEMPLOYED WORKERS</u>					
Workforce Services, Administration	22833	R982-601-105	NSC	05/25/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	23149	R994-207	5YR	09/14/2000	2000-19/163
<u>UNEMPLOYMENT COMPENSATION</u>					
Workforce Services, Workforce Information and Payment Services	22823	R994-102	NSC	05/25/2000	Not Printed
	22548	R994-202-103	AMD	02/02/2000	2000-1/60
	22824	R994-202-103	NSC	05/25/2000	Not Printed
	22721	R994-204	5YR	04/04/2000	2000-9/187
	22825	R994-204-303	NSC	05/25/2000	Not Printed
	22722	R994-205	5YR	04/04/2000	2000-9/188
	22723	R994-206	5YR	04/04/2000	2000-9/188
	23149	R994-207	5YR	09/14/2000	2000-19/163
	22826	R994-307-101	NSC	05/25/2000	Not Printed
	22827	R994-308-106	NSC	05/25/2000	Not Printed
	22828	R994-403	NSC	05/25/2000	Not Printed
	22829	R994-404	NSC	05/25/2000	Not Printed
	22800	R994-405-503	AMD	06/16/2000	2000-10/49
<u>UNINSURED EMPLOYERS</u>					
Labor Commission, Industrial Accidents	22592	R612-8	5YR	01/03/2000	2000-3/91
	23153	R612-8 (Changed to R612-9)	NSC	10/01/2000	Not Printed
<u>UNINSURED MOTORIST DATABASE</u>					
Public Safety, Driver License	22908	R708-32	5YR	06/01/2000	2000-12/60
	22909	R708-32	NSC	06/20/2000	Not Printed

RULES INDEX

<u>KEYWORD</u> <u>AGENCY</u>	<u>FILE</u> <u>NUMBER</u>	<u>CODE</u> <u>REFERENCE</u>	<u>ACTION</u>	<u>EFFECTIVE</u> <u>DATE</u>	<u>BULLETIN</u> <u>ISSUE/PAGE</u>
<u>UNITS</u>					
Environmental Quality, Radiation Control	22598	R313-12	AMD	03/10/2000	2000-3/27
	23144	R313-12-3	NSC	10/01/2000	Not Printed
<u>UNIVERSAL SERVICE</u>					
Public Service Commission, Administration	22530	R746-360-2	NSC	01/25/2000	Not Printed
<u>UTILITY REGULATION</u>					
Public Service Commission, Administration	22988	R746-310-8	AMD	09/22/2000	2000-14/35
	22784	R746-405	NSC	05/01/2000	Not Printed
<u>UTILITY RULES</u>					
Transportation, Preconstruction	23105	R930-6	5YR	08/23/2000	2000-18/99
<u>UTILITY SERVICE SHUTOFF</u>					
Public Service Commission, Administration	222989	R746-320-8	AMD	11/01/2000	2000-14/36
<u>VACATIONS</u>					
Human Resource Management, Administration	22846	R477-8	AMD	07/05/2000	2000-11/67
<u>VERIFICATION</u>					
Workforce Services, Employment Development	23059	R986-215	REP	10/02/2000	2000-16/76
<u>VICTIM COMPENSATION</u>					
Crime Victim Reparations, Administration	23041	R270-1	AMD	09/15/2000	2000-16/12
<u>VICTIMS OF CRIME</u>					
Crime Victim Reparations, Administration	23041	R270-1	AMD	09/15/2000	2000-16/12
<u>WASTE DISPOSAL</u>					
Environmental Quality, Radiation Control	22599	R313-15	AMD	03/10/2000	2000-3/34
	23184	R313-15	NSC	10/01/2000	Not Printed
Environmental Quality, Solid and Hazardous Waste	22855	R315-301	AMD	see CPR	2000-11/10
	22855	R315-301	CPR	10/05/2000	2000-17/63
	22856	R315-311	AMD	07/15/2000	2000-11/15
	22857	R315-312-1	AMD	07/15/2000	2000-11/17
	23100	R315-312-1	AMD	10/05/2000	2000-17/12
	23104	R315-315-9	AMD	10/20/2000	2000-18/47
	22857	R315-320	AMD	07/15/2000	2000-11/19
Environmental Quality, Water Quality	22699	R317-1-4	AMD	06/13/2000	2000-6/16
<u>WASTE WATER</u>					
Environmental Quality, Water Quality	22490	R317-4	NEW	02/16/2000	99-23/16
	22691	R317-4	NSC	03/20/2000	Not Printed
	23029	R317-100	AMD	11/10/2000	2000-16/17
	22491	R317-501	REP	02/16/2000	99-23/45
	22492	R317-502	REP	02/16/2000	99-23/48
	22493	R317-503	REP	02/16/2000	99-23/56
	22494	R317-504	REP	02/16/2000	99-23/58

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22495	R317-505	REP	02/16/2000	99-23/59
	22496	R317-506	REP	02/16/2000	99-23/63
	22497	R317-507	REP	02/16/2000	99-23/65
	22498	R317-508	REP	02/16/2000	99-23/73
	22499	R317-509	REP	02/16/2000	99-23/75
	22500	R317-510	REP	02/16/2000	99-23/77
	22501	R317-511	REP	02/16/2000	99-23/80
	22502	R317-512	REP	02/16/2000	99-23/82
	22503	R317-513	REP	02/16/2000	99-23/84
<u>WATER POLLUTION</u>					
Environmental Quality, Water Quality	22699	R317-1-4	AMD	06/13/2000	2000-6/16
	22566	R317-2	AMD	03/17/2000	2000-1/15
	22860	R317-2-13	AMD	08/01/2000	2000-11/24
<u>WATER QUALITY STANDARDS</u>					
Environmental Quality, Water, Quality	22566	R317-2	AMD	03/17/2000	2000-1/15
	22860	R317-2-13	AMD	08/01/2000	2000-11/24
<u>WATER RIGHTS</u>					
Natural Resources, Water Rights	22806	R655-3	NEW	07/01/2000	2000-10/35
	22744	R655-4	NSC	05/01/2000	Not Printed
	23142	R655-4	5YR	09/12/2000	2000-19/162
Environmental Quality, Drinking Water	23251	R309-204	EMR	10/20/2000	2000-22/68
<u>WATERSHED MANAGEMENT</u>					
Environmental Quality, Drinking Water	22731	R309-102	AMD	08/15/2000	2000-9/29
<u>WELFARE FRAUD</u>					
Human Services, Recovery Services	22556	R527-200	AMD	02/01/2000	2000-1/37
	22754	R527-200	NSC	05/01/2000	Not Printed
	22755	R527-800	NSC	05/01/2000	Not Printed
<u>WELL DRILLING</u>					
Natural Resources, Water Rights	22744	R655-4	NSC	05/01/2000	Not Printed
	23142	R655-4	5YR	09/12/2000	2000-19/162
<u>WELL LOGGING</u>					
Environmental Quality, Radiation Control	23256	R313-38-98	NSC	11/01/2000	Not Printed
<u>WILDLIFE</u>					
Natural Resources, Wildlife Resources	22519	R657-5	AMD	see CPR	99-24/25
	22519	R657-5	CPR	02/01/2000	2000-1/66
	22880	R657-5	AMD	07/18/2000	2000-12/53
	22938	R657-5-15	AMD	08/01/2000	2000-13/55
	22520	R657-6	AMD	01/18/2000	99-24/35
	22972	R657-6	AMD	08/15/2000	2000-14/10
	23123	R657-9	AMD	10/17/2000	2000-18/73
	23124	R657-10	AMD	10/17/2000	2000-18/76
	23126	R657-11	5YR	08/30/2000	2000-18/99
	23125	R657-11	AMD	10/17/2000	2000-18/79
	22392	R657-13	AMD	01/03/2000	99-20/31

RULES INDEX

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
	22881	R657-15	5YR	05/22/2000	2000-12/59
	22712	R657-19	5YR	03/30/2000	2000-8/34
	22733	R657-19	NSC	05/01/2000	Not Printed
	22713	R657-19	AMD	05/17/2000	2000-8/20
	22882	R657-21	5YR	05/22/2000	2000-12/59
	22973	R657-21	AMD	08/15/2000	2000-14/18
	23208	R657-24	5YR	10/12/2000	2000-21/75
	22783	R657-27	AMD	06/08/2000	2000-9/177
	22974	R657-28	AMD	08/15/2000	2000-14/20
	22714	R657-33	AMD	05/17/2000	2000-8/23
	22975	R657-37	AMD	08/15/2000	2000-14/23
	22521	R657-38	AMD	01/18/2000	99-24/38
	22649	R657-38	AMD	04/04/2000	2000-5/46
	22939	R657-41	AMD	08/01/2000	2000-13/56
	22650	R657-41-2	AMD	04/04/2000	2000-5/50
	22651	R657-46	AMD	04/04/2000	2000-5/51
	22562	R657-47	NEW	02/01/2000	2000-1/40
	22940	R657-47	AMD	08/01/2000	2000-13/58
<u>WILDLIFE LAW</u>					
Natural Resources, Wildlife Resources	23126	R657-11	5YR	08/30/2000	2000-18/99
	23125	R657-11	AMD	10/17/2000	2000-18/79
	22392	R657-13	AMD	01/03/2000	99-20/31
	22693	R657-13-4	AMD	04/24/2000	2000-6/41
	22648	R657-13-12	AMD	04/04/2000	2000-5/45
	22882	R657-21	5YR	05/22/2000	2000-12/59
	22973	R657-21	AMD	08/15/2000	2000-14/18
	22783	R657-27	AMD	06/08/2000	2000-9/177
<u>WILDLIFE MANAGEMENT</u>					
Natural Resources, Wildlife Resources	22881	R657-15	5YR	05/22/2000	2000-12/59
<u>WILDLIFE PERMITS</u>					
Natural Resources, Wildlife Resources	22939	R657-41	AMD	08/01/2000	2000-13/56
	22650	R657-41-2	AMD	04/04/2000	2000-5/50
	22562	R657-47	NEW	02/01/2000	2000-1/40
	22940	R657-47	AMD	08/01/2000	2000-13/58
<u>WIRELINE STUDIES</u>					
Environmental Quality, Radiation Control	23256	R313-38-98	NSC	11/01/2000	Not Printed
<u>WORK-BASED LEARNING PROGRAMS</u>					
Education, Administration	22950	R277-916	AMD	08/01/2000	2000-13/24
<u>WORKER'S COMPENSATION</u>					
Administrative Services, Risk Management	23244	R37-2	NSC	11/01/2000	Not Printed
Labor Commission, Adjudication	22764	R602-2-1	NSC	05/01/2000	Not Printed

<u>KEYWORD</u> AGENCY	FILE NUMBER	CODE REFERENCE	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
Labor Commission, Industrial Accidents	23151	R612-6 (Changed to R612-7)	NSC	10/01/2000	Not Printed
	23150	R612-6	NEW	11/06/2000	2000-19/117
	22592	R612-8	5YR	01/03/2000	2000-3/91
	23153	R612-8 (Changed to R612-9)	NSC	10/01/2000	Not Printed
Workforce Services, Workforce Information and Payment Services	22829	R994-404	NSC	05/25/2000	Not Printed
<u>WORKING TOWARD EMPLOYMENT</u>					
Workforce Services, Employment Development	23050	R986-400	NEW	10/02/2000	2000-16/90
	23193	R986-400	NSC	11/01/2000	Not Printed
<u>WORK-RELATED DISEASES</u>					
Labor Commission, Occupational Safety and Health	22926	R614-6-1	NSC	06/27/2000	Not Printed
<u>X-RAY</u>					
Environmental Quality, Radiation Control	22600	R313-16	AMD	03/10/2000	2000-3/56
<u>YOUTH CORRECTIONS</u>					
Human Services, Recovery Services	23148	R527-550	AMD	11/16/2000	2000-19/113
<u>YEAR-ROUND SCHOOLS</u>					
Education, Administration	22563	R277-404	REP	02/01/2000	2000-1/8